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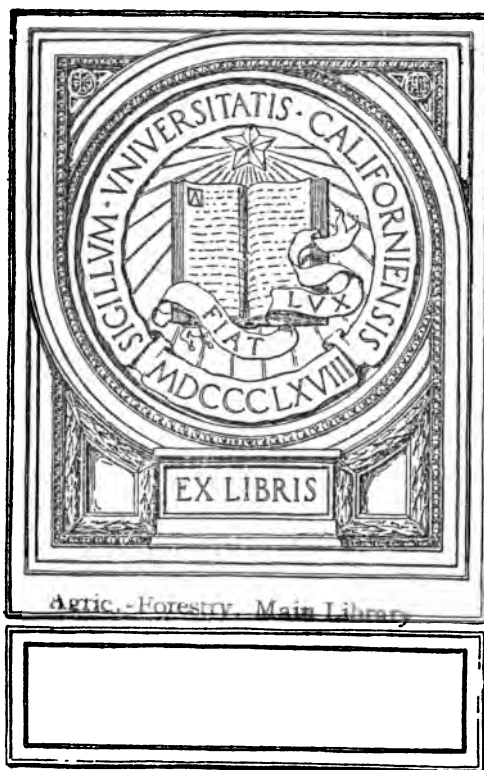
LAWS OF INDIANA

RELATING TO THE

Conservation of Natural
Resources

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1919

YC 83647





Indiana. Laws *of*
" *Conservation*
Laws of Indiana

RELATING TO THE

**Conservation of Natural
Resources**

Including the Laws Relating to Geology, Natural Gas, Entomology,
Forestry, Lands and Waters and Fish and Game

Prepared Under the Supervision of Richard Lieber
Director of the Department of Conservation

publication

By Charles Kettleborough, Director of the
Legislative Reference Bureau

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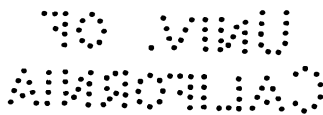
PREFACE

This compilation contains all of the laws of the State of Indiana now in force relating to the conservation of natural resources, including the law creating the Department of Conservation and prescribing its powers and duties, together with the laws governing the departments of Geology, Natural Gas, Entomology, Forestry, Lands and Waters, and Fish and Game, which the Department of Conservation is required to execute and administer. Burns' Annotated Indiana Statutes, Revision of 1914, and the Supplement of 1918 have been used as the basis for the compilation but all laws included therein which are clearly obsolete or are repealed or superseded by the Conservation Act of 1919 have been eliminated.

An appendix contains that part of the Migratory Bird Treaty Act which pertains to the laws of the State of Indiana. Attention is called to the fact that state and federal legislation is not entirely concurrent.

The laws embodied in this collection are arranged by subjects and numbered by compiler's sections in consecutive order. The first number, given in bold face type, is the compiler's section number; then follows the general descriptive title of the section and this is succeeded by the original number of the section as assigned in the session laws. At the close of each section is given the citation to the page of the session laws where the section is found, and to the corresponding section in Burns' Annotated Statutes of 1914 and the Supplement of 1918. Words, phrases, clauses and sentences printed in italics have been repealed or superseded by provisions of the Conservation Act and words inserted in brackets indicate the correct reading where changes have been effected. Following the sections will be found annotations in smaller type giving the substance of the decisions of the higher courts in construing and interpreting the law.

RICHARD LIEBER,
Director of the Department of Conservation.
Indianapolis, June, 1919.



DIRECTORY

The Department of Conservation

JAMES P. GOODRICH, Governor.

CONSERVATION COMMISSION

W. A. Guthrie, Chairman.

John W. Holtzman.

Stanley Coulter.

Richard M. Holman, Secretary.

DIRECTOR OF CONSERVATION

Richard Lieber.

DIVISION CHIEFS AND STAFF

GEOLOGY

W. N. Logan, State Geologist.

B. J. Malott, Assistant State Geologist.

Arthur J. Coleman, Curator of Museum.

ENTOMOLOGY

Frank N. Wallace, State Entomologist.

Charles O. Yost, Chief Inspector Apiaries.

FORESTRY

Charles C. Deam, State Forester.

L. E. Deam, Custodian Forest Reserve.

LANDS AND WATERS

Richard Lieber, Superintendent.

R. P. Luke, Superintendent State Parks.

FISH AND GAME

_____, Superintendent Fisheries and Game.

George Berg, Superintendent Hatcheries.

OFFICES

Rooms 5-10 Southeast Section Basement, State House, Indianapolis.

PART I

DEPARTMENT OF CONSERVATION

1. Department of Conservation. Section 1. That there shall be and hereby is created an administrative department to be known as the Department of Conservation. (Acts 1919, p. 375.)

2. Commission, Nomination and Appointment of Members. Sec. 2. The powers and duties of the Department of Conservation shall be vested in a conservation commission which shall consist of four (4) members who shall be appointed by the Governor, and not more than two (2) of whom shall be adherents of the same political party. Upon the taking effect of this act, the Governor shall appoint the four (4) members of the conservation commission, one (1) of whom shall be designated to hold office for one (1) year, one (1) for two (2) years, one (1) for three (3) years and one (1) for four years, and until their successors have been appointed and qualified: Provided, That at least one (1) member of such commission may be appointed by the Governor from a list of persons nominated by the Indiana Academy of Science, and the successors of such appointee may in like manner be so nominated and appointed. At the expiration of the term of office of each of the commissioners so appointed, and every four (4) years thereafter, the Governor shall appoint a successor to hold office for the term of four (4) years, and until his successor has been appointed and qualified. The Governor shall fill any vacancy occurring in the membership of the commission and may remove any member of the commission after a hearing for cause. The members of the commission shall serve without compensation but shall receive their traveling and other necessary expenses when engaged upon their official duties. (Acts 1919, p. 375.)

3. Director, Salary. Sec. 3. The commission shall appoint a director who shall be chosen solely for fitness irrespective of political beliefs or affiliations, who shall serve at the pleasure of the commission, who shall be the executive officer

of the department who shall act as chief of one or more of the divisions hereinafter created, and who shall receive a salary of not to exceed four thousand dollars (\$4,000.00) annually, to be fixed by the commission, subject to the approval of the Governor. The director shall have power, with the approval of the commission, to appoint, and remove for cause, chiefs of divisions, and, upon the recommendation of said chiefs, to appoint and remove all assistants, inspectors and employees thereof. (Acts 1919, p. 376.)

4. Duties of Director, Fish and Game Wardens. Sec. 4. The director shall have the supervision of the work of the department and of each of the divisions. He shall have the control of all officers, deputies, inspectors and employees charged with the enforcement of the penal provisions of this act or of the rules and regulations of the commission. He shall have direct charge of the fish and game deputies and wardens in the enforcement of the laws relating to fisheries and game. He may, with the approval of the commission, co-operate with any other department of the state government in the enforcement of law, and to that end may assign deputies to aid such department in making inspections and in the prevention or detection of crime and may receive like assistance from the deputies of any other state department. Whenever deputies or employees of one department are assigned to another department, such deputies or employees shall be paid from the funds of the department to which they are assigned. (Acts 1919, p. 376.)

5. Chiefs of Divisions and Assistants. Sec. 5. Chiefs of divisions, and all assistants, inspectors and employees, shall be chosen solely for fitness for the position, professional or practical, as the nature of the position shall demand, irrespective of political beliefs or affiliations, which fitness may be determined by examination or otherwise, as the commission shall determine. They shall each receive a compensation to be determined by the commission, upon the recommendation of the director, subject to the approval of the Governor. (Acts 1919, p. 376.)

6. Election of Officers, Rules and Regulations. Sec. 6. Immediately upon the taking effect of this act and the appointment of the commission, and annually thereafter, the

commission shall meet and organize by the election of one (1) of its members as chairman, who shall hold office for one (1) year. Three (3) members shall constitute a quorum to do business. The commission shall have power to make rules and regulations for the conduct of its meetings, and, upon the recommendation of the director of the department, for the conduct of the work of the department, and its several divisions. The commission may make rules and regulations authorized by this act and such others as may be necessary in their judgment to carry out its provisions, and such rules and regulations, when approved by the Governor, and promulgated as hereinafter provided, shall have the force and effect of law, and any person, firm or corporation who shall violate any of the provisions of such rules or regulations shall be subject to a fine of not less than ten dollars (\$10) nor more than three hundred dollars (\$300) for each offense, to which may be added imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months. In issuing such rules, the conservation commission shall have full authority to prescribe reasonable fees for any inspection or other like service within* the purview of this act, and performed by the commission or any of its assistants or employees. All such rules and regulations issued by the conservation commission shall bear the seal of the commission and be attested by the director and signed by the Governor, and shall state specifically therein the date on which such rules and regulations shall be promulgated by the conservation commission by publishing the same in pamphlet or leaf form and supplying at least twelve (12) copies thereof to the clerk of the circuit court of every county in the state, not less than ten (10) days prior to the date on which such rules and regulations will become effective. (Acts 1919, p. 377.)

7. Powers of the Department. Sec. 7. The Department of Conservation shall have power to investigate, compile and disseminate information and make recommendations concerning the natural resources of the state and their conservation; including the drainage and reclamation of lands; flood prevention; development of water power; culture and preservation of forests; fish and game; the preservation of soils; the prevention of the waste mineral resources; the prevention and

* Note.—Through an error in transcribing, the law as passed reads "without."

methods of control or [of] plant diseases, infections and pests; the prevention and methods of control of bee diseases and the increased production of honey and the use of bee appliances; and such other questions or subjects as may be contemplated in this act; and shall have power to co-operate with the appropriate departments of the federal government in conducting topographical and other surveys, experiments or work of joint interest to the state and the federal government. (Acts 1919, p. 378.)

8. Co-operation with Public or Private Institutions. Sec. 8. The Department of Conservation shall have the right to co-operate with any public or private institution or with individuals, societies or associations of individuals in making scientific investigations, compiling reports or otherwise in such manner and to such extent as the commission in its discretion may deem necessary or advantageous in carrying out the purpose of this act. (Acts 1919, p. 378.)

9. Power to Administer Oaths and Examine Records. Sec. 9. Each of the members of the conservation commission and each of the chiefs of divisions of the department of conservation, shall have the power to administer oaths, and to certify to official acts. The conservation commission, and each of the chiefs of divisions of the department of conservation, shall have the power to require information for any lawful purpose under this act from public officers, corporations, associations and individuals; to issue subpoenas, to require the attendance of witnesses; to examine witnesses under oath; to require the production of books, accounts, papers, records, documents and testimony, for any lawful purpose under this act. In case of disobedience on the part of any person or persons to comply with any lawful order of the commission, or of any member of the commission, or of any chief of division, or any lawful subpoena, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated before the commission, or by any member of the commission, or by any chief of division, it shall be the duty of the circuit court or superior court of any county, or the judge thereof, having jurisdiction of the person or persons on application of the conservation commission, or of any member of the conservation commission, or of any chief of division, whose order or subpoena has been disobeyed, to compel

obedience to the requirements of the subpoena, to compel obedience to the order of the conservation commission, or of the member, or of the chief of division, and to compel the production of books, accounts, papers, records, documents and testimony, and upon failure, refusal or neglect of any person or persons to comply with the order of the court, or judge thereof, made on the application of the conservation commission, or of the member of the conservation commission, or of a chief of division, as herein provided, such person or persons shall be punished for contempt of court. (Acts 1919, p. 378.)

10. Report to the Governor. Sec. 10. The commission shall, on or before the first day of December in each year, present to the Governor a report of the department which shall contain, in addition to such information and recommendations as the commission shall see fit to include, the reports of the director and of the several divisions of the department. The report, or such part or parts thereof as the commission may deem to be of the most general importance, may be published, with the consent of the Governor, and the expense thereof paid out of the appropriation for the board of public printing. The commission shall likewise prepare and submit a condensed annual report of the work of the commission and the several divisions thereof, in such form as the Governor may prescribe, to be incorporated in the Indiana Year Book. (Acts 1919, p. 378.)

11. Publication of Information. Sec. 11. The commission may in its discretion cause to be prepared such technical and non-technical literature and information relating to matters within the field of work of the department of any division thereof, as they shall deemed [deem] suitable and worthy of publication, and shall disseminate the same through the public press and otherwise, and the same may be published in bulletin form by the commission with the approval of the Governor, and the same shall be paid for out of any funds appropriated for the expenses of the department. (Acts 1919, p. 379.)

12. Divisions of Department, and Chiefs. Sec. 12. The Department of Conservation shall consist of the following divisions:

1. Geology.
2. Entomology.
3. Forestry.
4. Lands and Waters.
5. Fish and Game.

The chief of the division of geology shall be known and designated as the State Geologist; the chief of the division of entomology, as the State Entomologist; the chief of the division of forestry, as the State Forester; the chief of the division of lands and waters, as the Superintendent of Lands and Waters; and the chief of the division of fish and game, as the Superintendent of Fisheries and Game.

Divisions, other than those hereinbefore enumerated, may be created from time to time by the conservation commission, with the approval of the Governor, as the work of the commission develops and as it may be desirable or necessary to differentiate the work of the department. But in the creation of such divisions the commission shall have no authority to exercise any powers and duties not otherwise conferred by the provisions of this act. (Acts 1919, p. 380.)

13. Chiefs to Have Supervision and Management. Sec. 13. The chief of each division, under the direction of the director, shall have immediate supervision and management, and shall be responsible for the work of the division. On or before the fifteenth day of November in each year, he shall make a complete report to the director of his activities during the preceding year, and he shall make such additional reports from time to time as the director may require. (Acts 1919, p. 380.)

14. Power to Execute and Serve Warrants and Processes. Sec. 14. Any member of the conservation commission, or the director, or the chief of any division, or any regularly appointed assistant, inspector or employee is hereby authorized and empowered to execute and serve all warrants and processes issued by any justice of the peace or any court having jurisdiction under any of the provisions of this act or under any of the provisions of any act which the conservation commission is by this act empowered to execute and administer, in the same manner as any constable or sheriff may serve and execute such warrant or process and to arrest and detain without a warrant, any person found by them violat-

ing any of the provisions of this act or of any of the provisions of any act which the conservation commission is by this act empowered to execute and administer, until a legal warrant can be obtained. (Acts 1919, p. 381.)

DIVISION OF GEOLOGY

15. Geology. Sec. 15. The Department of Conservation shall have the following rights, powers and duties:

1. It shall continue the geological, scientific and topographic survey of this state and the work of discovering, developing and preserving its natural resources.

2. It shall recommend and secure the enforcement of laws for the conservation and development of the natural resources of the state.

3. It shall collect and disseminate information concerning the agricultural, mining and manufacturing advantages of the state and shall give special attention to the discovery of minerals, stone, clay or other natural substances useful in agriculture, road making, manufacture or the mechanical arts and to the prevention of waste of minerals and mineral products and coal.

4. The commission shall have charge of the state geological cabinet, museum, apparatus and library, and shall, from time to time, as may be practicable, add specimens thereto. (Acts 1919, p. 381.)

DIVISION OF ENTOMOLOGY

16. Entomology. Sec. 16. The Department of Conservation shall have power and it shall be its duty:

1. To enforce the laws relating to horticulture and bee-keeping.

2. To inspect orchards, nurseries, nursery stock, fields, fruits and all horticultural and agricultural plants and plant products; all supplies, packing houses, warehouses and other places where fruit or other horticultural and agricultural plants and plant products are packed, stored or shipped, as well as other trees and properties, to ascertain whether the same are infected or infested with any disease or pest injurious to fruit, fruit trees or other horticultural or agricultural plants, and to compel the owner to disinfect, fumigate or destroy the same and to prevent the spread thereof.

3. To require the disinfection, fumigation or other treatment of all trees, ornamental shrubbery, orchards, nurseries and nursery stock, fruit or vegetable packing houses, or any other places infested with any pest, fungi or disease injurious to horticultural or agricultural plants or plant products.

4. To inspect and examine orchards, fruits, nursery stock, fields and all horticultural and agricultural plants and plant products, at the request of the owner thereof, for the purpose of ascertaining the existence of any disease or pest and to report to the applicant the results of such inspection and to prescribe proper remedies or treatment therefor.

5. To prevent the introduction and spread of diseases or pests injurious to fruits, fruit trees, horticultural and agricultural plants and plant products and bees, and to specify the means and methods to be employed for the prevention, suppression or control of such diseases or pests.

6. To formulate rules and regulations for the guidance of inspectors in making inspections and investigations under the provisions of this act.

7. To examine any apiaries consisting of one (1) or more hives for the purpose of discovering, treating and preventing diseases that may exist among bees, and to destroy all colonies and appliances affected by foul brood and other diseases whenever in the judgment of the inspector such destruction is necessary, he being sole judge of such necessity; and to make rules and regulations to prevent the spread of bee diseases.

8. To require all bees to be kept in movable frame hives.

9. To teach bee keepers how to keep bees in the most approved manner, to hold field or other demonstrations, make exhibits at the state fair, and at other places, and on other occasions in the state.

10. To regulate all shipments of trees, shrubs, vines, plants or other nursery stock into or within the state.

11. To require licenses of all dealers and agents engaged in the business of buying or selling trees, shrubs, vines, plants or other nursery stock, and to make such rules and regulations as may be necessary to regulate the same. The cost of such license shall be one dollar (\$1) and shall be good for one (1) year from date of issue.

12. To destroy any infected nursery stock, fruit trees, or other horticultural or agricultural plants, or plant products,

whenever, in the judgment of the commission, the same may be necessary to prevent the spread of plant diseases or pests.

13. To formulate and enforce necessary quarantine regulations, subject to the approval of the Governor.

14. To prepare, print, post or distribute printed matter relating to fruit, horticultural, floricultural or agricultural plants or plant products and bees and bee-keeping and the diseases and pests affecting the same, and make investigations and experiments in regard to bees, bee-keeping and diseases and pests.

15. To inspect all foreign grown nursery stock shipped into the state, unless the same has been inspected by a state or government inspector.

16. To issue certificates of inspection to nurseries and dealers or other persons on stock inspected.

17. To make all necessary rules and regulations for the enforcement of the law relating to horticulture and bee-keeping and the prevention of plant diseases and pests. (Acts 1919, p. 382.)

DIVISION OF FORESTRY

17. Forestry. Sec. 17. The Department of Conservation shall have the following powers, duties and authority:

1. To have the care, custody and control of the forest lands owned by the state, exclusive of state parks.

2. To make necessary rules and regulations to secure proper enforcement of the provisions of this act.

3. To establish, operate and maintain nurseries for the production of trees to be used in reforestation. Such trees may be used to reforest any land owned by the state; supplied to owners of private land at a price not exceeding cost of production; or used for planting on public roads or lands under such terms as may by the department of conservation be deemed to be for the public benefit.

4. To prepare, print, post or distribute printed matter relating to forestry.

5. To make investigations or experiments with regard to forestry questions.

6. Subject to the approval of the Governor, to purchase lands and forests. For the purpose of acquiring lands and forests, the commission may exercise the right of eminent domain, in the manner hereinafter provided.

7. To receive and accept in the name of the people of the state, by gift or devise, the fee or other estate therein of lands or forests.

8. To examine the forest lands owned by the state, or by any state institution, for the purpose of advising and co-operating in securing proper forest management of such lands.

9. To employ with the approval of the authorities having control of any state penal institutions, convicts committed to any penal institution, for the purpose of producing or planting trees, building roads or doing other work in the forests and in clearing, draining or developing lands purchased or acquired by the state for forestry purposes.

10. To propagate trees and shrubs for the several state institutions or for planting along highways. Any common carrier may transport trees or shrubs grown by the state at a rate less than the established tariff to and from points within the state.

11. To have the custody of all abstracts of title, papers, contracts or memoranda relating thereto, except original deeds to the state, for any lands purchased or received under the provisions of this section.

12. To examine private forest lands upon request of the owners thereof, at the expense of such owners, for the purpose of advising the owners as to the proper methods of forest management. (Acts 1919, p. 384.)

DIVISION OF LANDS AND WATERS

18. **Lands and Waters.** Sec. 18. The Department of Conservation shall have the following powers, duties and authority:

1. To have the care, custody and control of the several preserves and parks owned by the state, other than the state forest reserves.

2. To make necessary rules and regulations to secure proper enforcement of the provisions of this act.

3. To prepare, print, post or distribute printed matter relating to the state parks and preserves.

4. Subject to the approval of the Governor, to purchase lands for parks or preserves and scenic and historic places. For the purpose of acquiring lands for parks or preserves and scenic and historic places, the commission may exercise the right of eminent domain, in the manner hereinafter provided.

5. To receive and accept in the name of the people of the state by gift or devise, the fee or other estate therein of lands or scenic or historic places.

6. To employ, with the approval of the authorities having control of any state penal institution, the convicts committed to any such penal institution, for the purpose of producing or planting trees, clearing, improving, repairing, draining or developing lands purchased or acquired by the state for parks or as scenic or historic places.

7. To have the custody of all abstracts of title, papers, contracts or memoranda relating thereto, except original deeds to the state, for any lands purchased or received for parks or preserves or as scenic or historic purposes under the provisions of this section.

8. To investigate lakes and streams and springs of the state for the purpose of protecting them against impurities or pollution by industrial, municipal or other sewage waste. In cases of existing pollution, it shall make investigation and report on the method of sewage purification and disposal and shall take such steps as it may deem necessary to prevent further pollution, except in such territory in this state where sanitary districts have been created or may hereafter be created under existing law or amendment thereto and to execute the laws of this state and the rules and regulations of the commission issued thereunder, relative to the pollution of lakes, streams and springs.

9. To have general charge and supervision of the navigable streams and water courses of the state within the government survey meander lines except otherwise provided in this act.

10. To issue permits to any person, firm or corporation to take coal, sand or gravel from or under the bed of any navigable stream or water course or from or under the bed of any lake wholly within the state; to fix a reasonable amount per cubic yard or ton which any such person, firm or corporation shall pay for the privilege of taking such coal, sand or gravel; to prescribe the areas within which it shall be unlawful to take coal, sand or gravel; to fix the dates on which any such person, firm or corporation shall report to the commission the amounts of coal, sand or gravel taken for any previous determinate period of time; to fix the amount of the bond which any such person, firm or corporation shall execute, con-

ditioned for the payment of all sums of money due the state by reason of the taking of such coal, sand or gravel during the year, ending December 31st, in which the permit was issued; to revoke or suspend any such permit at any time for the failure or refusal of any such person, firm or corporation to comply with the provisions of this act or the rules and regulations of the commissions issued thereunder; to adopt and promulgate all necessary rules and regulations for the enforcement of the laws relating to the taking of coal, sand or gravel from or under the bed of any navigable stream or water course or from or under the bed of any lake within the state. All such rules and regulations of the commission issued under this sub-section, when approved by the Governor shall have the force and effect of law, and any violation thereof shall subject the offender to a fine of not to exceed three hundred dollars (\$300) and each day's violation shall be deemed to constitute a separate and distinct offense. (Acts 1919, p. 385.)

DIVISION OF FISH AND GAME

19. Fish and Game. Sec. 19. The Department of Conservation shall have power and authority and it shall be its duty:

1. To examine the various lakes, rivers, streams and water courses in this state and ascertain whether they can be rendered more productive in the supply of fish, and what measures are desirable and expedient to effect this object either in propagating and protecting the fish that at present frequent the same, or in the selection and propagation of other species of fish therein, or both.

2. To inquire into and test the best modes of the artificial propagation of fish in the various waters of the state, and procure and superintend the procuring of such fish, fish eggs and spawn, as shall be necessary for said waters and the propagation of same therein.

3. To inquire into the best methods of preserving and propagating the game, game birds and song birds now in the state, and introduce such varieties of game and game birds, foreign to the state, as may be deemed for the best interests of the people of the state.

4. To take or cause to be taken, any fish or game, in any manner and at any time, for the purposes connected with fish

or game culture, protection, preservation or propagation, or with scientific observation.

5. To acquire lands or water and build or acquire the necessary equipment for the propagation of fish and game, and to engage in the propagation of such species of fish and game as the commission may determine to be for the best interests of the state.

6. To see that all laws for the protection of fish and game are enforced, and institute proceedings for the punishment of any person or persons violating said laws within the State of Indiana.

7. To encourage and assist, in so far as is consistent with this act, the organization and establishment of fish and game protective associations in the several counties of the state, to the end that the work of the conservation department and the laws of the state relating to the propagation and conservation of fish and game may be made more effective. (Acts 1919, p. 387.)

20. Clerks to Report to Department. Sec. 20. Each clerk and appointee authorized by law to issue licenses to hunt or fish shall report to the department on the first day of each and every month, informing them of the number of licenses issued by such clerk or appointee during the preceding month, the names of the licensees and the number of blank licenses remaining in his possession. Such clerks and appointees shall at the time of making such report, remit to the department all moneys collected for such licenses as shall have been issued and the said clerks shall also remit therewith all moneys received by them from fines or other sources that may be due to the department. Each clerk or appointee shall be entitled to charge for his services the sum of ten cents (10c) for each license issued by him. Justices of the peace or other officers who shall collect moneys due the department for violation of any of the provisions of the fish and game laws of the state shall promptly remit the same to the department. The department shall on the first day of each month, pay to the auditor of state all moneys received by them from all such sources during the preceding month. The Auditor of State shall keep a record of the amounts so received, and shall, upon the receipt of such amounts, turn the same over to the Treasurer of State. The moneys so paid to the Treasurer of State, together

with such other sums as may be appropriated or set apart for that purpose, shall constitute a fund to be known as the fish and game protective and propagation fund, which shall be used for the purpose of protecting and propagating game, fish and birds in the state, and paying the salaries and expenses of the fish and game warden deputies: Provided, That the salary of the chief of the division of fish and game and such pro-rata share of the salary of the director of the Conservation Department, of the expenses of the members of the conservation commission and such general office expenses as the conservation commission may determine shall be paid out of the fish and game protective and propagation fund. (Acts 1919, p. 388.)

21. Regular and Specific Appropriations. Sec. 21. All regular and specific appropriations made for the maintenance and support of the department of geology and natural resources, the gas inspection department, the fish and game commissioner, the department of state entomologist and the state board of forestry and unexpended on the taking effect of this act shall revert to the general fund. The sum of thirty thousand dollars (\$30,000) or so much thereof as may be necessary is hereby appropriated to defray the expenses of the department of conservation from the date this act takes effect up to and including September 30, 1919. All fees assessed and collected by any of the foregoing offices and departments which are by this act abolished shall be placed at the disposal of the commission to be expended in the manner and for the purpose hereinafter enumerated. Beginning with October 1, 1919, the sum of sixty thousand dollars (\$60,000) or so much thereof as may be necessary, is hereby appropriated annually out of the state treasury for the use of the department. The amounts received from licenses to hunt or fish and fees for violation of the fish and game laws of the state shall be held in a separate fund known as the fish and game protection and propagation fund, and shall be used by the department for the work of the division of fish and game, and the amount received from licenses to hunt and fish is hereby appropriated for the use of the division of fish and game in the department, and shall be expended by the department for the purpose of protecting and propagating game, fish and birds in the state, and paying the salaries and ex-

penses of the fish and game wardens and deputies. All fines or license fees received by any other division of the department, together with all money received from fines and license fees by any office or department by this act abolished and placed at the disposal of any division of the department on the taking effect of this act, shall be expended by the department exclusively for the work of the appropriate division, except as provided in section 20 of this act. (Acts 1919, p. 389.)

22. Revolving Fund, Surplus to Revert to State. Sec. 22. All funds accruing to the use of any division of the Department of Conservation, other than regular or specific appropriation made by the general assembly, shall be deemed to constitute a revolving fund for the use of the respective divisions and no part of such fund shall revert to the state treasury at the close of any fiscal year until any such revolving fund credited to the use of any division of the department shall reach the amount of fifty thousand dollars (\$50,000), in which event all sums in excess of fifty thousand dollars (\$50,000) shall revert to the state treasury at the end of each fiscal year and shall be added to the general funds of the state. (Acts 1919, p. 389.)

23. Power of Eminent Domain. Sec. 23. The conservation commission is hereby endowed with the right and power of eminent domain and is hereby authorized to exercise the right and power of eminent domain in so far as the same may be necessary or proper for the carrying out of the provisions of this act. Whenever the conservation commission shall deem it necessary or proper to appropriate any real estate or acquire any right for the carrying out of the provisions of this act, the conservation commission shall adopt an appropriate resolution setting forth a specific description of the real estate or right deemed by the conservation commission necessary or proper for the carrying out of the provisions of this act, the purpose for which the real estate or right is to be used, and such other facts as are necessary under the law of this state for the proper preparation of a complaint for the condemnation of the said real estate or right, and shall refer such resolution to the Attorney-General of this state. Thereupon the Attorney-General shall commence in the proper court an action in the name of the State of Indiana on the

relation of the conservation commission for the condemnation of the said real estate or right and shall proceed under the laws of this state providing for condemnation under the power of eminent domain to condemn the said real estate or right for the carrying out of the provisions of this act.

All expense incurred in conducting condemnation proceedings and in acquiring any real estate or rights by condemnation for any of the purposes of this act shall be paid out of any funds appropriated or otherwise available for the use of the department of conservation, and not otherwise expended in the work of the Conservation Department as herein provided. (Acts 1919, p. 390.)

24. Rights and Powers Conferred. Sec. 24. All the rights, powers and duties conferred by law upon the Natural Gas Supervisor, the State Geologist, the State Board of Forestry, the State Forester, the Superintendent of State Forest Reserves, the State Entomologist, the Commissioner of Fisheries and Game and the State Inspector of Apiaries, in so far as such rights, powers and duties are not inconsistent with the provisions of this act, are hereby transferred to and conferred upon the Department of Conservation, and the office of State Geologist, the Department of Geology and Natural Resources, the office of Supervisor of Natural Gas, the State Board of Forestry, the office of State Forester, the office of Superintendent of State Forest Reserves, the office of State Entomologist, the office of Commissioner of Fisheries and Game and the office of State Inspector of Apiaries, as now provided by law, are hereby abolished.

All work or proceedings begun under the provisions of any law which the conservation commission is by this act empowered to execute and administer shall be concluded and determined by the conservation commission in accordance with the provisions of such law and nothing contained in this act shall be construed to affect pending litigation growing out of, connected with or based on proceedings had under such laws. (Acts 1919, p. 391.)

25. Penalty for Obstructing or Hindering Commission. Sec. 25. Any person who shall obstruct or hinder any member of the conservation commission or the director or any chief or regularly appointed assistant or employee in the lawful discharge of his duties as prescribed in this act shall be

deemed guilty of a misdemeanor and upon conviction thereof shall be fined such an amount as the court in its discretion shall determine not to exceed three hundred dollars (\$300). Any person who shall violate any provision of this act where a specific penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than such an amount as the court in its discretion shall determine not to exceed fifty dollars (\$50). (Acts 1919, p. 391.)

26. Concurrent Power to Attorney-General and Prosecuting Attorneys. Sec. 26. The Attorney-General is hereby given concurrent power with the several prosecuting attorneys of the State of Indiana, and it is made the duty of both the Attorney-General and the several prosecuting attorneys of Indiana to attend to a rigid enforcement of all of the provisions of this act. (Acts 1919, p. 392.)

27. Constitutionality of Act. Sec. 27. If the courts should declare any section or provision of this act unconstitutional and void, then such decision shall affect only the section or provision so declared unconstitutional and void and shall not affect the validity of any other section or provision of this act. (Acts 1919, p. 392.)

28. Emergency. Sec. 28. This act shall take effect and be in force from and after April 1, 1919. (Acts 1919, p. 392.)

PART II.
NATURAL GAS SUPERVISOR

29. Natural Gas Supervisor, Duties. Section 1. *That the office of Natural Gas Supervisor is hereby established,¹ and within thirty days after the taking effect of this act² the State Geologist of Indiana shall appoint³ a skilled and suitable person, who has a practical knowledge of geology and natural gas,⁴ and who is not directly or indirectly interested in piping or selling natural gas, as Natural Gas Supervisor of the State of Indiana. Such supervisor shall serve for a term of four years, and until his successor is appointed and qualified, and in case of a vacancy occurs in the office of Natural Gas Supervisor from any cause, the State Geologist shall fill said vacancy by appointment as herein prescribed.⁵ Provided, however, The State Geologist shall have power to remove such supervisor at any time for violation or neglect of duty.⁶ Such supervisor shall receive an annual salary of twelve hundred dollars,⁷ and the further sum of six hundred dollars for traveling and other expenses, and an annual appropriation of eighteen hundred dollars is hereby made out of any moneys in the state treasury not otherwise appropriated for the salary and expenses of such supervisor.⁸ The State Geologist shall issue to such Natural Gas Supervisor a certificate of appointment, and said supervisor shall, within ten days thereafter, make and execute a bond in the sum of one thousand dollars, payable to the State of Indiana, with his oath of office endorsed thereon, which bond shall be for the faithful performance of duty, and shall be approved by and filed with the Secretary of State.⁹ Such supervisor, when he has quali-*

¹ Abolished by Conservation Act, Sec. 24.

² Obsolete.

³ Superseded by Conservation Act, Sec. 3.

⁴ For qualifications of employees and inspectors, see Conservation Act, Sec. 5.

⁵ Terms of office under the Conservation Act are for indefinite tenure and vacancies are filled as in case of original appointments. See Sec. 3.

⁶ Repealed by Conservation Act, Sec. 3.

⁷ Repealed by Conservation Act, Sec. 5.

⁸ Repealed by Conservation Act, Sec. 21.

⁹ The provisions of this section relative to a certificate of appointment, bond and oath have probably not been repealed.

fied according to law, shall devote all his time to the business of his office, and he shall work at all times under the direction of the State Geologist.¹⁰ He shall make personal inspection of all the gas wells of the state, so far as practicable, and shall see that every precaution is taken to insure the health and safety of workmen engaged in opening gas wells and laying mains and pipes, and of those who, in any manner, use gas for mechanical, manufacturing, domestic or other purposes. He shall see that all the provisions of law pertaining to the drilling of wells and the piping and consumption of natural gas are faithfully carried out and that the penalties of law are strictly enforced against any person or persons who violate the same,¹¹ and promptly report all violations of law to the Attorney-General of the State.¹² He shall collect and tabulate in his annual report to the State Geologist, which shall be made on the *second Monday in January*¹³ of each year, and published in the report of the State Geologist, the following facts: The number of gas wells, with location; a record of the geological strata passed through in drilling wells, depth at which salt water is reached in the various wells, and the height to which it rises; the volume of gas produced by each well, so far as it can be ascertained, and also the initial or rock pressure of the same; the increase or decrease in pressure of the various wells, so far as it can be ascertained, and also the increase or decrease in volume of gas produced; the number of miles of mains laid for the transportation of gas and capacity and cost of the same; the amount of capital invested in the gas industry and the number of persons employed in the same; the cost of gas as fuel at the various points at which it is used; the amount of capital invested in manufactories located on account of natural gas and the number of the same, together with the amount and kind of products and number of employees, and such other facts and information as the *State Geologist*¹⁴ may require. (Acts 1891, p. 379. Burns', 1914, Sec. 9056.)

Power of state to prevent and sue to inhibit the waste of natural gas. *Townsend v. State*, 147 Ind. 624, 47 N. E. 19; *State v. Ohio Oil Co.*, 150 Ind. 21, 49 N. E. 809; *Given v. State*, 160 Ind. 552, 66 N. E. 750.

¹⁰ Subject, of course, to the director. Conservation Act, Sec. 4.

¹¹ By Sec. 4 of the Conservation Act, the supervisor works under the supervision of the director in enforcing the penal provisions of the act.

¹² See Conservation Act, Sec. 26.

¹³ Nov. 15. See Conservation Act, Sec. 13.

¹⁴ Or the director of the Conservation Department.

30. Duties. Sec. 2. It shall be the duty of the *Natural Gas Supervisor* to inspect all natural gas pipe lines in this state, at least once in each year, and as often as may be necessary, or whenever he may be directed by the *State Geologist*,¹ and he shall have the power to condemn any pipes or portions of lines that he may deem unsafe or dangerous to life or property. And any person or persons using or causing to be used any pipe line or portions thereof after the same has been condemned, shall be guilty of a misdemeanor, and upon conviction shall be fined in any court having jurisdiction of misdemeanors in any sum not exceeding one hundred dollars, and any person, or persons, in this State owning natural gas wells or natural gas pipe lines, or who controls the same, who refuses to allow the same to be inspected by the *Natural Gas Supervisor*, upon conviction shall be fined in any sum not exceeding fifty dollars: Provided, further, That whenever any responsible person shall file with such *Gas Supervisor*¹ an affidavit charging the owner or owners of such gas plant or wells, or any person using the same, or their employees, with the violation of any of the laws regulating the use of natural gas and particularly specifying the violation complained of, it shall be the duty of such *supervisor*² to examine and inquire into the alleged violation of the law as set forth in the affidavit, and if he finds the facts as charged it shall be his duty to see that the law is complied with. (Acts 1891, p. 379. Burns', 1914, Sec. 9057.)

31. Leakage. Section 1. That it shall be and is hereby made the duty of the *Natural Gas Supervisor* of the State of Indiana, upon the discovery of any leak in any pipe line for transportation of natural gas, or in any machinery, apparatus, appliance or device used in the regulation or distribution thereof, to forthwith notify, in writing, the owner or superintendent of said pipe line, machinery, apparatus, appliance or device, to have the same repaired within two days from the time of receipt of said notice. In case such leak has not been repaired within two days from the time of receiving such notice it shall be the duty of said *Natural Gas Supervisor* to make such repairs as may in his judgment be necessary to stop said leak; and such *Natural Gas Supervisor* shall have a lien upon said pipe line and all wells with which the same

¹ Or the director of the Conservation Department.

² Or the supervisor under the supervision of the director.

may be connected, for the cost of making such repairs, for the enforcement of which, with all costs of suit, and a reasonable attorney's fee, an action may be maintained by him in any court of competent jurisdiction; and the judgment so obtained shall be collectible without relief from valuation or appraisement laws of the state. In case of any pipe line, machinery, apparatus, appliance or device, owned by a corporation, partnership, or by a non-resident of or absentee from the State of Indiana, the notice herein provided may be served upon any person in charge of such pipe line. (Acts 1899, p. 83. Burns', 1914, Sec. 9058.)

Liability of companies for injuries caused by leakage of gas. *Mississinewa Co. v. Patton*, 129 Ind. 472, 28 N. E. 1113; *Lebanon Co. v. Leap*, 139 Ind. 443, 39 N. E. 57; *Lebanon Co. v. Griffin*, 139 Ind. 476, 39 N. E. 62; *McGahan v. Indianapolis Co.*, 140 Ind. 335, 37 N. E. 601; *Consumers' Co. v. Perrego*, 144 Ind. 350, 43 N. E. 306; *Richmond Co. v. Baker*, 146 Ind. 600, 45 N. E. 1049; *Consumers' Co. v. Corbaley*, 14 App. 549, 43 N. E. 237; *Metzger v. Schultz*, 16 App. 464, 43 N. E. 886, 45 N. E. 619; *Logansport Co. v. Coate*, 29 App. 299, 64 N. E. 638.

32. Pipes for Carrying, Pressure. Section 1. That any person or persons, firm, company or corporation, engaged in drilling for, piping, transporting, using or selling natural gas, may transport or conduct the same through sound wrought or cast iron casings and pipes tested to at least four hundred pounds pressure to the square inch: Provided, Such gas shall not be transported through pipes at a pressure exceeding three hundred pounds per square inch: Provided, That the provisions of this act shall not affect the costs in any pending litigation. (Acts 1891, p. 89, as amended by Acts 1903, p. 110. Burns', 1914, Sec. 9060.)

The legislature has power to regulate the manner of transporting natural gas as provided in this act. *Jamieson v. Indiana Co.*, 128 Ind. 555, 28 N. E. 76.

Presumptions as to compliance with law in transporting gas. *Indiana Co. v. Jones*, 14 App. 55, 42 N. E. 487.

Persons who do not suffer a special injury by the transportation of gas through pipes at a higher pressure than is permitted by statute can not enjoin such transportation. *Manufacturers' Gas Co. v. Indiana Gas Co.*, 155 Ind. 566, 58 N. E. 851, 156 Ind. 679, 59 N. E. 169, 60 N. E. 1080; *Chicago Ry. Co. v. Indiana Gas Co.*, 161 Ind. 445, 68 N. E. 1008.

The legislature can not prohibit natural gas from being taken out of the state. *State v. Indiana Co.*, 120 Ind. 575, 22 N. E. 778; *Manufacturers' Co. v. Indiana Co.*, 155 Ind. 545, 58 N. E. 706.

Pumping gas through pipes is not prohibited unless the use of such pumps increases the flow of gas from the wells. *Richmond Gas Co. v. Enterprise Gas Co.*, 31 App. 222, 66 N. E. 782; *Consumers' Gas Co. v. American Glass Co.*, 162 Ind. 393, 68 N. E. 1020.

Negligence in transporting gas, liability of companies for damages. *Lebanon Co. v. Leap*, 139 Ind. 443, 39 N. E. 57; *Lebanon Co. v. Griffin*, 139 Ind. 476, 39 N. E. 62; *Consumers' Co. v. Perrego*, 144 Ind. 350, 43 N. E. 306; *Alexandria Co. v. Irish*, 16 App. 534, 44 N. E. 680.

Unusual pressure of gas, liability of company for damages caused. *Indiana Gas Co. v. Long*, 27 App. 219, 59 N. E. 410.

Note. Section 2 of the Act of 1891, p. 89, was repealed by the Act of 1903, p. 110.

33. Penalty. Sec. 3. Any person or persons, firm, company or corporation violating any of the provisions of this act shall be fined in any sum not less than one thousand dollars (\$1,000) or more than ten thousand dollars (\$10,000), and may be enjoined from conveying and transporting natural gas through pipes otherwise than in this act provided: Provided, That nothing in this section shall operate to prevent the use of nitroglycerine or other explosives for shooting any well or wells from which the gas is procured. (Acts 1891, p. 89. Burns', 1914, Sec. 9061.)

34. Gas Confined in Pipes. Section 1. That it shall be unlawful for any person, firm or corporation having possession or control of any natural gas or oil well, whether as a contractor, owner, lessee, agent or manager, to allow or permit the flow of gas or oil from any such well to escape into the open air, without being confined within such well or proper pipes, or other safe receptacle for a longer period than two (2) days next after gas or oil shall have been struck in such well. And thereafter all such gas or oil shall be safely and securely confined in such well pipes or other safe and proper receptacles. Any person, firm or corporation violating any of the provisions of this section shall be fined in any sum not less than fifty dollars, nor more than two hundred dollars, and for any second or subsequent violation of this section he shall be fined in any sum not less than two hundred dollars (\$200) nor more than five hundred dollars. (Acts 1893, p. 300, as amended Acts 1913, p. 66. Burns', 1914, Sec. 9062.)

This statute is a proper exercise of legislative power. *Given v. State*, 160 Ind. 552, 66 N. E. 750.

Waste of gas, power of state to prevent. *Townsend v. State*, 147 Ind. 624, 47 N. E. 19; *State v. Ohio Oil Co.*, 150 Ind. 21, 49 N. E. 809.

Persons who fail to comply with the statute requiring natural gas to be confined in wells, and who permit the gas to escape into the open air, are liable for the penalty prescribed by the statute. *Given v. State*, 160 Ind. 552, 66 N. E. 750.

Persons who negligently permit natural gas or oil to flow from pipes may be liable for all damages that result to the property of other persons by such gas or oil being set on fire. *Rock Oil Co. v. Brumbaugh*, 59 App. 640, 108 N. E. 260.

The statute requiring the confining of natural gas in pipes, wells or other receptacles, creates two offenses, and, if a person is charged with one of such offenses, and the evidence shows him to be guilty of the other offense, he can not be convicted. *Bailey v. State*, 163 Ind. 165, 71 N. E. 655.

Note. Sections 2 and 3 of the Act of 1893, p. 300, were repealed by the Act of 1903, p. 212.

35. Civil Liability. Sec. 4. Whenever any person or corporation in possession or control of any well in which natural gas or oil has been found shall fail to comply with the provi-

sions of this act, any person or corporation lawfully in possession of lands situate adjacent to or in the vicinity or neighborhood of such well may enter upon the lands upon which such well is situate and take possession of such well from which gas or oil is allowed to escape in violation of the provisions of section one of this act, and pack and tube such well and shut in and secure the flow of gas or oil, and maintain a civil action in any court of competent jurisdiction in this state against the owner, lessee, agent or manager of said well, and each of them jointly and severally to recover the cost and expense of such tubing and packing, together with attorney's fees and costs of suit. This shall be in addition to the penalties provided by section three of this act.¹ (Acts 1893, p. 301. Burns', 1914, Sec. 9063.)

36. Recovery of Expense of Plugging. Sec. 5. Whenever any person or corporation shall abandon or cease to operate any natural gas or oil well, and shall fail to comply with the provisions of section two¹ of this act, any person or corporation lawfully in possession of lands adjacent to or in the vicinity or neighborhood of such well may enter upon the lands upon which such well is situated and take possession of such well, and plug and fill the same in the manner provided by section two of this act,² and may maintain a civil action in any court of competent jurisdiction of this state against the person, persons or corporations so failing, jointly and severally, to recover the costs and expense of such plugging and filling, together with attorney's fees and costs of suit. This shall be in addition to the penalties provided by section three of this act.³ (Acts 1893, p. 301. Burns', 1914, Sec. 9064.)

37. Plugging Abandoned Wells. Section 1. That before the casing shall be drawn from any well drilled into gas or oil-bearing rock for the purpose of abandoning the same, it shall be the duty of any person, firm or corporation having the custody of such well, or having charge of removing the casing therefrom for the purpose of abandoning the same,

¹ Section 3 was repealed by the Act of 1903, p. 212; and the Act of 1903 was superseded by the Act of 1909, p. 234, Sections 37-43, below.

² Section 2 was repealed by the Act of 1903, p. 212; and the Act of 1903 was superseded by the Act of 1909, p. 234, Sections 37-43, below.

³ Section 3 was repealed by the Act of 1903, p. 212; and the Act of 1903 was superseded by the Act of 1909, p. 234, Sections 37-43, below.

at the time of such abandonment, to properly and securely stop and plug each of said wells so abandoned in the following manner: Such hole shall first be solidly filled from the bottom thereof to a point at least twenty-five (25) feet above such gas or oil-bearing rock with sand, gravel or pulverized rock, on the top of which filling shall be seated a dry pine wood plug not less than two (2) feet long and having a diameter of one-fourth of an inch less than the inside diameter of the casing in such well; above such wooden plug such well shall be solidly filled for at least twenty-five (25) feet with the above mentioned filling material, immediately above this shall be seated another wooden plug of the same kind and size as above provided, and such well shall again be solidly filled for at least twenty-five (25) feet above said second plug with such filling material. After the casing has been drawn from such well there shall immediately be seated at the point in said well where such casing was seated a cast-iron ball, the diameter of which ball shall be greater than that of the hole below the point where such casing was seated, and above such ball such well shall again be solidly filled with the above mentioned filling material for a distance of fifty (50) feet. Any person, firm or corporation owning or having charge or supervision of any well which has been drilled into gas or oil-bearing rock, or having charge or control of removing the drive pipe or casing from any such well, and from which the drive pipe and casing or the drive pipe alone has been or shall be pulled, leaving therein the tubing, casing, or both, shall give notice to the *Natural Gas Supervisor*, and under the supervision and direction of said *supervisor*, or one of his assistants, shall plug such tubing, where such tubing only remains in such well, and shall fill from the bottom up not less than three hundred (300) feet with cement and clean sand, one part Portland cement to four parts of sand, and where the casing and tubing remains in any such well, such well shall be filled on the packer with not less than fifty (50) feet of Portland cement and sand, and if there be no such packer, with not less than one hundred (100) feet of Portland cement and sand in the proportions hereinbefore indicated, and in all cases where the drive pipe and casing or either the drive pipe or casing are removed from any such well and the tubing is left therein said tubing shall be plugged as herein provided, and if any part of the tubing, drilling stem or other substance prevent the plug-

ging of any such well or wells as hereinbefore provided, such well or wells shall be filled to a point within twenty-five (25) feet of the top part of said tubing, drill-stem or substance with sand, gravel or crushed stone, and shall thereupon be filled to a point twenty-five (25) feet above such part of tubing, drill-stem or substance with Portland cement and sand, all proportioned as above provided. (Acts 1909, p. 234. Burns', 1914, Sec. 9065.)

38. Notice to Supervisor, Fee. Sec. 2. Any person, firm or corporation, before proceeding to plug any such well so drilled into any gas or oil-bearing rock, or to pull the casing or drive pipe therefrom, shall notify the state *Natural Gas Supervisor*, or one of his authorized assistants, of such intention, and the time and place where such plugging is to be done, and it shall be the duty of said *Natural Gas Supervisor* or his duly authorized assistants to be present in person all the time while such plugging is being done, and the same shall be done under his instructions and supervision and such person, firm or corporation so plugging such well shall file, or cause to be filed, in the office of the recorder of the county in which any such well is located, within fifteen days after the same has been plugged, as provided in section one (1) hereof, a written statement of such state *Natural Gas Supervisor*, or his duly appointed assistant, showing that such well was duly plugged under his personal supervision and instruction and in the manner herein prescribed and required, which statement shall be recorded in the miscellaneous records in the office of such recorder. And for supervising and superintending the plugging of any such well said person, firm or corporation plugging such well or having the same done, shall pay in advance of doing any such work or plugging a fee of five dollars (\$5.00) to the state *Natural Gas Inspector* or his assistant, to be by them turned into the state treasury. (Acts 1909, p. 235. Burns', 1914, Sec. 9066.)

39. Assistants to Supervisor, Compensation. Sec. 3. For the purpose of enforcing the provisions of this act and supervising the plugging of said wells the state *Natural Gas Inspector* shall appoint such assistants as he may deem necessary, who shall receive for their services for such supervision in the plugging of each well the sum of five dollars (\$5.00), to be paid by the Treasurer of State each month,

upon a warrant drawn by the Auditor of State, upon a verified statement made by said assistants showing the wells plugged by him during such month, their location, the date when plugged and by whom the fee has been paid, and file the same with the Auditor of State. Such verified statement shall, before any warrant is drawn thereon or therefor, be approved by the state *Natural Gas Supervisor*, and in no event shall any such assistant be paid any such fee until the same shall have been paid into the treasury of state as herein provided. (Acts 1909, p. 236. Burns', 1914, Sec. 9067.)

40. Salt Water or Oil, Control. Sec. 4. It shall be the duty of every person, firm or corporation who sinks or maintains a well to the depth of the oil or salt-bearing strata to prevent the salt water or oil of such well from flowing into fresh water strata of that or any other well. (Acts 1909, p. 237. Burns', 1914, Sec. 9068.)

41. Fresh Water, Casing Off. Sec. 5. It shall be the duty of any person, firm or corporation sinking a well into any gas or oil-bearing rock, or maintaining the same after it has been sunk, to case off and keep cased off all fresh water from such well until such well has been plugged as herein provided. (Acts 1909, p. 237. Burns', 1914, Sec. 9069.)

42. Right of Entry and Police Powers. Sec. 6. For the purpose of enforcing the provisions of this act the state *Natural Gas Supervisor* is hereby authorized and empowered to enter upon any land at any time for the purpose of examining or testing any such well or wells for the purpose of plugging the same, and said *Supervisor* and his assistants are hereby given police power to arrest persons found violating any of the provisions of this act. (Acts 1909, p. 237. Burns', 1914, Sec. 9070.)

43. Penalty. Sec. 7. Any person, firm or corporation violating any of the provisions of this act shall, on conviction, be fined in any sum not less than one hundred dollars nor more than one thousand dollars, to which may be added imprisonment in the county jail not to exceed six months. (Acts 1909, p. 237. Burns', 1914, Sec. 9070a.)

PART III
STATE ENTOMOLOGIST

44. **Duties, San Jose Scale, Report.** Sec. 2. The State Entomologist shall devote his entire time to the discharge of the duties of his office. He shall co-operate with any local horticultural society or individual in the state in any efforts to locate, check or eradicate the San Jose scale or any insect pest injurious to orchard or field crops, or to shade and ornamental trees. He shall also assist in identifying and combating fungus or other destructive diseases to plant life.¹ In the discharge of his duties he shall go to any part of the state where his services are requested and his duties will permit. *He shall, immediately upon taking his office, prepare and cause to be published and from time to time thereafter in pamphlet form, all available information relating to San Jose scale and other injurious plant diseases, with the methods of detecting the same and the modes of treatment. He shall send a copy of, such pamphlet to each township trustee, city clerk, public school teacher, and any other citizen of the state applying for the same for the purpose of informing the people of the history, habits and methods of eradicating injurious insects and plant diseases. He shall make an annual report to the Governor of the work done by his office and with other matters contained in that report shall be a list of all townships in the state where the San Jose scale is known to exist.*² (Acts 1907, p. 291. Burns', 1914, Sec. 7824.)

45. **Nursery Inspection.** Sec. 3. The State Entomologist shall inspect all nurseries in Indiana, where trees, shrubs, vines, plants or other nursery stock are grown and offered for sale,³ at least once each year, not earlier than June first nor later than October first, at such time as he may elect, and he shall notify in writing the owners of such nurseries, the Secretary of State Board of Agriculture, the Director of the State Experiment Station, and the President of the State

¹ See Conservation Act, Sec. 8; and Sec. 16, Sub-Sec. 2, 3 and 4.

² Repealed by Conservation Act, Sec. 7, 8, 10, 11 and 13; and Sec. 16, Sub-Sec. 14.

³ Superseded by Conservation Act, Sec. 16, Sub-Sec. 2.

Horticultural Society of the presence of any San Jose scale or other injurious insects or fungi on trees, shrubs, vines, plants or other stock of such nurseries, and shall notify in writing the owner of any affected stock that he is required on or before a certain day to take such measures for the destruction of such insect or fungus enemies of nursery stock as have been shown to be effectual for this purpose.¹ The said State Entomologist is hereby empowered with the authority to enter upon any premises and examine all trees, plants, shrubs, vines and fruits whatsoever in the discharge of his duties prescribed by law. (Acts 1907, p. 291. Burns', 1914, Sec. 7825.)

46. Nurserymen, Duties, Penalty. Sec. 5. The owner of any affected nursery stock shall within the times specified take such steps for the destruction of the San Jose scale or other destructively injurious insects and fungus enemies present as will exterminate the same, and it shall be a misdemeanor to ship or deliver any such stock, punishable by a fine of twenty-five dollars for every such offense, the fine recoverable before a justice of the peace, or by indictment of the grand jury of the county in which the nursery is situated, or of that to which the stock may have been shipped. (Acts 1907, p. 291. Burns', 1914, Sec. 7827.)

47. State Entomologist, Trees and Shrubs, Certificate of Examination. Sec. 6. Whenever a nurseryman, seller of trees, shrubs, vines, plants, or other nursery stock, or any other person who is a resident of this state shall ship or deliver any such goods, he shall attach to each package so shipped, or delivered, a written, or printed certificate stating that such stock has been examined by the State Entomologist and found to be to the best of his knowledge and belief to be free from San Jose scale or other injurious or destructive insects or fungus enemies. Said certificate shall become invalid on the first day of June following the date of its issue. Failure to attach to each package of nursery stock so shipped or delivered, such certificate, or to furnish a false certificate, or the use of an invalid certificate, shall be deemed a misdemeanor and any person upon conviction thereof shall be fined as is provided in section 9 of this act. Persons desiring to sell or ship nursery stock shall make application in writing before July 1st of each year to the State Entomologist for an

inspection of their stock. Persons failing to comply with this provision shall be liable for extra charges to cover the traveling expenses of the inspector. Every person receiving directly or indirectly any nursery stock from foreign countries shall notify the State Entomologist of the arrival of such shipment and the contents thereof, name of the consignor, and shall hold such shipment unopened until duly inspected or released by the State Entomologist. In case any infested or infected stock is discovered, the shipment shall be subject to destruction or treatment according to the directions of the State Entomologist. (Acts 1907, p. 291, as amended by Acts 1915, p. 200. Burns', 1918 S., Sec. 7828.)

48. Dealers' License. Sec. 2. All dealers within the meaning of this act located either within or without the state, engaged in selling or soliciting orders for nursery stock in this state, shall secure a dealer's license by furnishing a sworn affidavit that he will buy and sell only stock that has been duly inspected and certified by an official inspector and that he will maintain with the State Entomologist a list of all sources from which he secures his stock. The term "dealer" shall be construed to apply to any person, whether he be a grower of nursery stock or not, who buys nursery stock for the purpose of reselling or reshipping. (Acts 1915, p. 202. Burns', 1918 S., Sec. 7828a.)

49. Agents' License. Sec. 3. All agents within the meaning of this act selling nursery stock for any nurseryman or dealer located within the state or outside the state shall be required to secure and carry an agent's license bearing a copy of the certificate held by the principal. Said agent's license shall be issued only by the State Entomologist and to agents authorized by their principal or upon the request of the principal. The term "agent" shall be construed and applied to any person selling nursery stock under the partial or full control of a nurseryman or of a dealer or other agents. This term shall also apply to any persons engaged with a nurseryman, dealer or agent, in handling nursery stock on a co-operative basis. (Acts 1915, p. 202. Burns', 1918 S., Sec. 7828b.)

50. Licenses to Firms Outside the State. Sec. 4. Nurserymen, dealers, agents, or other persons whose place of business is outside the state, desiring to sell or solicit orders for nursery stock in this state, may upon the filing of a certi-

fied copy of his original state certificate with the State Entomologist of this state obtain a license permitting such persons to sell or solicit for nursery stock in this state. (Acts 1915, p. 202. Burns', 1918 S., Sec. 7828c.)

51. Misrepresentation of Stock. Sec. 5. It shall be unlawful for any persons to wilfully misrepresent to any other person the grade, character, variety or quality of stock in a nursery or of stock offered for sale by any nurseryman, dealer or agent, or to cause any concealment of stock from inspection, or to withhold any information requested by the State Entomologist for the purpose of preventing the proper enforcement of this act. Each person selling or soliciting orders for nursery stock in this state, shall, if requested, furnish the State Entomologist with copies of his order forms, contracts and agreements with his customers, which are furnished for the use of agents or customers or both. (Acts 1915, p. 203. Burns', 1918 S., Sec. 7828d.)

52. Certificate Revoked. Sec. 6. The State Entomologist shall at any time have the power to revoke any certificates or licenses for sufficient cause, including any violation of section 5 of this act, or non-conformity with any rule or regulation promulgated under this act. (Acts 1915, p. 203. Burns', 1918 S., Sec. 7828e.)

53. License Fee. Sec. 7. A fee of \$1.00 shall be collected by the State Entomologist for each dealer's and agent's license issued either to parties or firms within the state or outside the state, said fees to be deposited monthly with the State Treasurer and become a fund to aid in defraying the expenses incidental to regulating dealers and agents and inspecting nursery stock received by them, prior to or subsequent to its delivery.¹ (Acts 1915, p. 203. Burns', 1918 S., Sec. 7828f.)

54. Entomologist, Filing of Certificates. Sec. 7. When the State Entomologist examines any trees, shrubs, vines, plants, or other nursery stock in this state, under the supervision of this act, and finds such nursery stock free from San Jose scale or other destructively injurious insects and fungus enemies, he is hereby authorized and directed to make out and deliver in writing, to the owner of such stock a certificate stating that he has inspected such stock and found the same

¹ See Conservation Act, Sec. 16, Sub-Sec. 11.

free from San Jose scale and other destructively injurious insects and fungus enemies, and he shall file similar certificates with the secretary of the State Board of Agriculture, the President of the State Horticultural Society, and the director of the State Agricultural Experiment Station, which certificates shall at all times be subject to public inspection. (Acts 1907, p. 293. Burns', 1914, Sec. 7829.)

55. Shipments Into State, Certificates. Sec. 8. Every package of trees, shrubs, vines, plants or other nursery stock shipped into the state from another state or shipped within the state from one point to another shall be labeled on the outside with the name of the consignor, the name of the consignee, and a certificate signed by a state or government inspector, showing that the contents have been examined by him and that to the best of his knowledge and belief such stock is free from San Jose scale, or other destructive insects or fungus enemies. (Acts 1907, p. 291, as amended Acts 1909, p. 189. Burns', 1914, Sec. 7830.)

56. Shipments Without Certificates, Penalties. Sec. 9. Whenever any trees, shrubs, vines, plants or other nursery stock are shipped into or within the state without such certificate plainly fixed on the outside of the package, box or car containing the same, the fact must be reported within twenty-four hours to the State Entomologist, by the agent of the railway, express or steamboat company or other person or persons carrying or receiving the same. And any agent of any railway, express or steamboat company, or other person or persons who shall violate the provisions of this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and costs, or imprisonment in the county jail not less than five (5) nor more than thirty (30) days, or may be so fined and imprisoned in the discretion of the court, and any such fines within the provisions of this act shall be paid over to the state treasury. On notification of the receipt of such uncertified package or packages of trees, shrubs, vines or plants, the State Entomologist shall examine or cause to be examined said package or packages, at the expense of the express, railroad, or steamship companies or other person or persons carrying the same, and if found to be free from injurious insects and

plant diseases he may allow them to pass to their destination, otherwise he shall cause the same to be burned and destroyed. But in no case shall the agent of the railroad or other transportation company allow said package or packages to pass out of his possession under penalty until the same has been duly inspected by the State Entomologist or his deputies. (Acts 1907, p. 294, as amended by Acts 1909, p. 189. Burns', 1914, Sec. 7831.)

57. State Inspector of Apiaries. Sec. 4. The State Entomologist shall be and is hereby constituted *State Inspector of Apiaries*¹ and as such inspector it shall be his duty to aid and assist in the development and protection of the bee and honey industry in this state, and to adopt and carry out proper measures for the prevention and suppression of contagious and infectious diseases among bees. (Acts 1909, p. 191. Burns', 1914, Sec. 7832a.)

58. Powers as to Apiaries. Sec. 5. *The State Entomologist shall have full power and authority at his discretion to visit and examine any apiaries for the purpose of discovering whether or not any disease may exist among bees in any part of the state.*¹ When notified of the existence or the probable existence of foul brood or other contagious or infectious diseases among bees in any apiary in the state he shall visit and examine said apiary so reported, and all other apiaries in the same neighborhood that he may be informed about by diligent inquiry or otherwise, for the purpose of determining whether such disease exists or not. Whenever he shall be satisfied of the existence of foul brood or other diseases in their malignant form in any apiary it shall be his duty to order all colonies so affected, together with all hives occupied by them, and the contents of those hives and all tainted appurtenances that cannot be disinfected and that might cause the further spread of the disease to be immediately destroyed by fire under his personal supervision and care, but where said entomologist, who shall be the sole judge thereof, shall be satisfied that the disease exists in incipient stages, and is being or may be treated successfully, and he shall have reason to believe that it may be entirely cured, then he may in his discretion omit to destroy or order the destruction of the

¹ Abolished by Conservation Act, Sec. 16, Sub-Sec. 7.

¹ Repealed by Conservation Act, Sec. 16, Sub-Sec. 7.

colonies or hives in which the disease exists. Whenever the disease shall be found to exist and the treatment for the same shall be ordered by the State Entomologist, he shall give to the owner or to the person in charge of the apiary instructions as to the manner of treatment of such apiary, and to see that such treatment be carried out, and should the said owner or person in charge of said apiary refuse or fail to carry out the said instructions to the complete eradication of the disease or the satisfaction of the State Entomologist, he shall destroy or order to be destroyed all said diseased colonies by fire as provided for in case of disease in this malignant form. (Acts 1909, p. 191. Burns', 1914, Sec. 7832b.)

59. Transfer of Bees. Sec. 6. The State Entomologist shall have full power in his discretion to order any owner, possessor or person having charge of bees dwelling in box hives (having mere boxes without frames), in apiaries where disease exists, to transfer such bees to movable frame hives, within a specified time, and in default of such transfer he shall order destroyed or destroy all such box hives and the bees dwelling therein.¹ (Acts 1909, p. 192. Burns', 1914, Sec. 7832c.)

60. Right of Entry Into Premises. Sec. 7. The said State Entomologist shall have the right to enter for the performance of his duties upon any premises where bees are kept. (Acts 1909, p. 192. Burns', 1914, Sec. 7832d.)

61. Annual Report. Sec. 8. The State Entomologist shall include in his annual report to the *Governor* [director of the Department of Conservation] such information in regard to the work of the apiary inspection and bee culture as he may deem of importance to the state. (Acts 1909, p. 192. Burns', 1914, Sec. 7832e.)

62. Diseased Bees or Appliances, Penalty. Sec. 9. Any owner of any apiary where disease exists or any person or persons, company or corporation, who shall sell, barter, or give away, or import into this state, any colony or colonies of bees or appliances infected with disease, or expose to the danger of other bees any comb, honey, bee hives or appliances or things infected with disease, or conceal the fact that disease exists among his or their bees when disease is known to exist,

¹ See Conservation Act, Sec. 16, Sub-Sec. 8.

or refuses to allow the State Entomologist to inspect or treat any apiary or appliances or shall resist, hinder or impede him in any way in the discharge of his duties under the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$10.00 nor more than \$25.00. (Acts 1909, p. 192. Burns', 1914, Sec. 7832f.)

63. Duties to Beekeeper. Sec. 10. Every beekeeper or other person who is aware of the existence of foul brood or other infectious or contagious diseases either in his own apiary or elsewhere shall immediately notify the State Entomologist of the existence of such disease, and in default of so doing shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not more than \$10.00. (Acts 1909, p. 193. Burns', 1914, Sec. 7832g.)

64. Definitions. Sec. 11. Apiaries within the meaning of this act shall be any place where one or more hives, swarms or colonies of bees shall be kept. (Acts 1909, p. 193. Burns', 1914, Sec. 7832h.)

65. Treatment of Trees and Bee Hives. Sec. 12. Whenever, as the result of an official inspection, the State Entomologist or any of his deputies shall order the treatment or removal of any trees, vines, shrubs or plants, or shall order the treatment or destruction of any bee hives, frames, or other appurtenances connected with apiculture, he may require that an affidavit shall be filed by the owner or person in charge of the property so affected, in which it shall be stated that the treatment ordered has been carried out to the best of the affiant's ability, and that the work has been effective for the purpose prescribed. The State Entomologist is hereby empowered to prevent the removal or transportation from any private or public place or any area of the state which contains dangerously infested or infected plant material of any kind, and also bees or bee appliances infected with disease, for such periods and under such conditions as is in his judgment necessary in order to prevent the further spread of the infestation or infection, giving such notice thereof either personally, by deputy, or by letter; and during the existence of such order no person shall remove or ship from this area any such plant material, bees or bee appliances as set forth in the order, except by special permit issued by the State Entomolo-

gist. In case the owner or person in charge of any infected or infested premises or apiary shall refuse or neglect to carry out the order issued by the State Entomologist within the period of time allowed for the performance of the work, the State Entomologist may proceed to destroy or treat the infested or infected plants or plant material, colonies of bees or bee appliances. The expense thereof shall be certified by the State Entomologist to the county auditor of the county wherein such infested or infected premises, or apiary is situated, and such county auditor shall place the amount so certified upon the tax duplicate, and such amounts shall be collected at the same time and in the same manner that the State and county taxes are collected. The amount of such expense when collected shall be paid to the State Treasurer by the county treasurer of such county at the time when and in the manner in which he makes his next succeeding semi-annual settlement with the State Treasurer. All amounts so collected and paid into the state treasury shall become a part of the fund used to enforce the provisions of section 8 of this act. (Acts 1909, p. 191, as amended by Acts 1915, p. 203. Burns', 1918 S., Sec. 7832i.)

66. Penalty. Sec. 9. Any person violating any section of this act or any rules or regulations promulgated under this act, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of not less than \$10.00 nor more than \$100.00 for each offense. It shall be the duty of each prosecuting attorney to whom the State Entomologist or any of his deputies shall present satisfactory evidence of violation of any provisions of this act to prosecute without delay such violations in the proper court. (Acts 1915, p. 205.)

67. Notice of Disease. Sec. 8. Whenever a nurseryman, agriculturist or fruit grower in this state shall know or have good reason to believe that his trees, shrubs, vines or plants are affected with San Jose scale, yellows, rosette or other destructive insects or fungus enemies, he shall have the privilege and it shall be his duty to notify the State Entomologist, who shall proceed in person or by his assistant to examine the same without delay, and advise the proper remedies for the destruction of such insect or fungus enemies as may be present. In case the owner or owners, or person in control of said affected trees, shrubs, vines or plants do not apply the

proper remedies recommended by said State Entomologist within a certain specified time, the owner or owners, or person in control shall be liable to a fine of not more than \$25.00 or less than \$10.00 and costs in the judgment of the court, for every such offense, the fines to be recoverable in the same manner as provided for in section five of this act.¹ Provided, That in case of objection to the findings of the State Entomologist an appeal may be taken to the circuit court, whose decision shall be final. Said appeal must be taken within three days and shall operate as a stay of proceedings until it is heard and decided. (Acts 1899, p. 224. Burns', 1914, Sec. 7840.)

68. Corporation, Horticulture, Diseases Among Trees. Section 1. That horticultural and quarantine districts, to be administered by voluntary associations and their duly elected officers, may be organized, under the provisions of this act, for any or all of the following purposes:

First. To prevent the spread of contagious diseases among fruit, fruit trees and fruit-bearing plants;

Second. To provide for the prevention, treatment, cure and extirpation of fruit pests and diseases of fruit, fruit trees and fruit-bearing plants;

Third. To provide for the purchase and maintenance of spraying machines, wagons or other necessary apparatus to adequately spray fruit trees or other fruit-bearing plants and to hire men and teams to perform the required labor, and to incur the necessary expense to carry out the purposes of this act;

Fourth. To hire experts to inspect the fruit trees and fruit-bearing plants found within such horticultural and quarantine district and to prescribe the proper methods of treatment of any diseases of such trees or plants which may be found to exist. (Acts 1915, p. 557. Burns', 1918 S., Sec. 4276a.)

69. Articles of Association. Sec. 2. That any number of persons, not less than ten (10) who may be the owners of the land constituting any contiguous area, upon which lands are situated orchards or fruit trees or other fruit-bearing plants, may voluntarily associate themselves together for the

¹ Section 5 of the Act of 1899 provides that the fine is recoverable before a justice of the peace or before a grand jury. Burns' 7837. The remainder of the Act of 1899, being Sections 7838-7843 of Burns' 1914 Revision, was clearly repealed by the Act of 1907.

purpose of organizing a horticultural and quarantine district. The articles of association shall be in writing and shall be signed and acknowledged by each person who desires to become a member of such organization. The articles of association shall specify:

First. The corporate name of such association;

Second. The object of such association, generally;

Third. The name and residence of each incorporating member;

Fourth. The term of existence of such association, which in no case shall exceed ten (10) years;

Fifth. The number of directors who shall manage the affairs of the association.

Such association shall have no capital stock. The articles of association may be amended at any time such action may be deemed advisable, by supplementary and amended articles, signed and acknowledged by a majority of the members of the association at the time of such amendment, and recorded in the same manner as the original article. (Acts 1915, p. 558. Burns', 1918 S., Sec. 4276b.)

70. Elections of Directors. Sec. 3. Three (3) or more members of the association may give notice that at a time specified, and at a convenient place named within or near the proposed horticultural and quarantine district, an election will be held for the purpose of choosing directors of the association to administer the affairs of the horticultural and quarantine district. The notice may be published in one newspaper in the county and of general circulation among the members of the association or such notice may be delivered in person. (Acts 1915, p. 558. Burns', 1918 S., Sec. 4276c.)

71. Term of Office. Sec. 4. On the day and hour and at the place specified in the notices, and if a majority of the members of the association shall be present, such members shall proceed to elect by ballot, three (3) of their number as directors of the association, and such directors shall determine by lot immediately the terms of their office, which shall be respectively, one, two and three years, and they shall serve until their successors are elected and qualified. Annually thereafter, the directors shall call a meeting of the members of the association, in the manner provided in section three (3) of

this act, and such members shall meet at the time and place fixed by the directors and elect one director who shall hold his office for a term of three (3) years. (Acts 1915, p. 558. Burns', 1918 S., Sec. 4276d.)

72. Filling Vacancy. Sec. 5. If a vacancy occurs in the office of directors the remaining directors shall fill the vacancy by a pro tem. appointment from among the members of the association, which appointment shall continue until the next annual election. (Acts 1915, p. 559. Burns', 1918 S., Sec. 4276e.)

73. Articles Filed. Sec. 6. The association shall, either before or after the election of directors, cause their articles of association to be filed in the office of the Secretary of State and shall also cause to be recorded in the recorder's office of each county in which any part of the proposed horticultural and quarantine district may be situated a duplicate copy of such articles of association and thereafter such association shall be a body politic and corporate by the name and style so adopted, and shall have and possess all the rights, powers and privileges given to corporations, to sue and be sued, plead and be pleaded, answer and be answered in any court of competent jurisdiction, borrow money and levy assessments upon the owners of the lands, orchards and trees and other fruit-bearing plants situated therein, as hereinafter provided and to rent, lease, purchase, hold, sell and convey such personal property as may be necessary and proper for the purposes and objects of the corporation. A majority of the members of such association shall have the power to adopt by-laws for the government of such horticultural and quarantine district and make such rules as may be necessary to carry the same into force and effect. (Acts 1915, p. 559. Burns', 1918 S., Sec. 4276f.)

74. Boundary of Quarantine District. Sec. 7. The boundary of such horticultural and quarantine district shall coincide with a line inclosing the lands owned by the members of the association. Any person who is the owner of lands contiguous to such horticultural and quarantine district shall be entitled at any time to become a member of the association by signing the articles of association. Horticultural and quarantine districts may be increased in size progressively by the

annexation of contiguous territory in the manner prescribed in this section, but no such horticultural or quarantine district shall contain in excess of twenty (20) square miles of territory. Contiguous horticultural and quarantine districts may be consolidated if the combined area of the consolidating districts does not exceed twenty (20) square miles. The question of consolidation may be submitted to the members of the respective associations at a joint meeting called for that purpose and if a majority of those entitled to vote shall be in favor of such consolidation, a new district comprising such districts so consolidated shall be formed and the proper papers and documents shall be filed as prescribed in section six (6) of this act. Directors of the new district may be chosen at the meeting called to determine the question of consolidation or at any subsequent meeting. (Acts 1915, p. 560. Burns', 1918 S., Sec. 4276g.)

75. Members Entitled to Vote. Sec. 8. All persons who have signed the articles of association and have paid the assessments levied against them from time to time shall be entitled to vote at any meeting of the members of the association on any and all questions which may lawfully come before such association, and each member shall be entitled to one vote on any and all questions. (Acts 1915, p. 560. Burns', 1918 S., Sec. 4276h.)

76. Officers' Duties. Sec. 9. The directors shall elect one of their number president and one secretary. The secretary shall likewise be treasurer of the association and shall have the custody of all the money of the association. He shall be required to execute a bond with good freehold surety for double the amount of money which will probably come into his hands at any time during his term of office. The secretary shall keep a record of the transactions of the association, including brief minutes of all meetings, the results of the various elections, an itemized account of all receipts and expenditures, and such secretary shall present a report of all such transactions to the members of the association at their annual meeting. (Acts 1915, p. 560. Burns', 1918 S., Sec. 4276i.)

77. Warrants. Sec. 10. No money shall be drawn from the treasury of such association except upon the order of a majority of the board of directors and all warrants drawn

shall be signed by the president of the board of directors and attested by the treasurer. (Acts 1915, p. 561. Burns', 1918 S., Sec. 4276j.)

78. Meetings Called. Sec. 11. A majority of the board of directors, or any five (5) members of the association, may call a special meeting of the members of the association at any time. A majority of the members shall constitute a quorum to transact ordinary business not required by law to be transacted at the regular meeting prescribed by law. (Acts 1915, p. 561. Burns', 1918 S., Sec. 4276k.)

79. Purposes of Corporation. Sec. 12. The board of directors of any association shall administer the affairs of such association under the provision of this act, for any or all of the following purposes:

First. To prevent the spread of contagious diseases among fruit, fruit trees, and fruit-bearing plants;

Second. To provide for the prevention, treatment, cure and extirpation of fruit pests and diseases of fruit and fruit-bearing plants;

Third. To provide for the purchase and maintenance of spraying machines, wagons, or other necessary apparatus, to adequately spray fruit trees or other fruit-bearing plants, and to hire men and teams to perform the required labor, and to incur the necessary expense to carry out the purposes of this act;

Fourth. To hire experts to inspect fruit trees and fruit-bearing plants found within such horticultural and quarantine district and to prescribe the proper methods of treatment of any diseases of such trees or plants which may be found to exist;

Fifth. To levy such assessments on the members from time to time as may carry out the provisions of this act and the purposes of such association;

Sixth. To actively co-operate with the State Entomologist and the county agents in precautionary measures to prevent the spread of injurious insects and plant diseases within the district;

Seventh. To advise, direct and encourage the activities of the association.

The board of directors of any association may hire experts to inspect fruit trees and fruit-bearing plants, and to pre-

scribe the proper methods of treatment of any diseases of such trees or plants which may be found to exist, if directed to do so by the majority of vote of the members taken at any special or regular meeting. (Acts 1915, p. 561. Burns', 1918 S., Sec. 4276l.)

80. State Entomologist, Co-operation. Sec. 13. The State Entomologist shall co-operate with any horticultural or quarantine association in the state in any efforts to prevent, locate, check, or eradicate any injurious insects or fruit disease. He shall from time to time, or upon request, send all available information relating to injurious insects and plant diseases with the methods of detecting the same and the modes of treatment, to the board of directors of any horticultural or quarantine association. (Acts 1915, p. 561. Burns', 1918 S., Sec. 4276m.)

81. County Agents Ex-Officio Deputy. Sec. 14. In counties having a county agent, the county agent shall be ex-officio deputy state entomologist for such county; he shall be authorized and required to carry out the instructions of the State Entomologist; and shall under the direction of the State Entomologist, co-operate with any local horticultural association or society in any efforts to prevent, locate, check, or eradicate any injurious insects or fruit diseases. He shall receive no additional compensation for the performance of such duties. (Acts 1915, p. 562. Burns', 1918 S., Sec. 4276n.)

82. Members Assessed. Sec. 15. For the purpose of raising money necessary to meet the expenses of horticultural and quarantine associations, the board of directors shall assess the individual members of the association in proportion to the service derived, procured, or otherwise obtained from such association, on the basis of the acreage, or number of trees, plants, vines, or other herbaceous plants in such equitable proportion as such aforesaid directors may deem just. (Acts 1915, p. 562. Burns', 1918 S., Sec. 4276o.)

PART IV
STATE FORESTER

83. Funds State Forest Reservation and Bond. Sec. 4. The *secretary of the board* [State Forester] shall receive all money to which the state may be entitled by reason of the sale of any timber, leases, contracts for the mining and removal of minerals or from any source whatever from such land, and he shall immediately pay the same over to the State Treasurer as a part of the revenues of the state, and the *secretary* [State Forester] shall give his bond, to the Governor of the state, in the sum of five thousand dollars for the faithful discharge of his duty.¹ (Acts 1903, p. 132. Burns', 1914, Sec. 7459.)

84. Rights of Way. Section 1. That the *State Board of Forestry* [conservation commission] shall have the right to grant and convey by deed rights of way to electric and steam railroads and to telegraph and telephone companies to construct and operate their lines across the lands of the Indiana state forest reservation, laboratory of forestry demonstration and state nurseries. (Acts 1907, p. 81. Burns', 1914, Sec. 7460.)

85. Approval. Sec. 2. The terms and conditions upon which such rights of way are granted and conveyed by deed shall be submitted to and approved by the Governor, the Attorney-General and the Auditor of State, before the same shall become operative or possession taken thereunder. (Acts 1907, p. 81. Burns', 1914, Sec. 7461.)

86. Arbor Day. Section 1. That for the purpose of encouraging the planting of shade and forest trees, shrubs and vines, the third Friday of April in each year is hereby designated as a day for general observance and to be known as Arbor Day. (Acts 1913, p. 422. Burns', 1914, Sec. 7461a.)

87. Proclamation. Sec. 2. The Governor shall make proclamation of said day in each year at least thirty days prior thereto. (Acts 1913, p. 422. Burns', 1914, Sec. 7461b.)

¹ The provision requiring the state forester to give bond is probably still in force.

88. School Exercises. Sec. 3. Appropriate exercises shall be introduced in all the schools of the state; and it shall be the duty of the several county and city superintendents to prepare a program of exercises for that day to be observed in all the schools under their respective jurisdictions. The exercises on Arbor Day shall give due honor to the conservors of forestry, and the founders of the study and conservation of Indiana forestry. And especially to the leading spirit of Indiana forestry conservation, Charles Warren Fairbanks. (Acts 1913, p. 422. Burns', 1914, Sec. 7461c.)

PART V
FISH AND GAME

89. Traps and Deadfalls. Section 1. No person shall trap or set any steel trap or deadfall on the land of another person without the written consent of the occupant, owner or lessee of said land, and without at the time of said trapping or setting of said steel trap or deadfall, he has in his possession said written consent and exhibits to any one demanding to examine it: Provided further, That any person setting or placing a steel trap on the lands of another person shall set or place such steel trap eighteen (18) or more inches within the entrance of said hole, cave or hollow log, so as to be inaccessible to domestic animals, dogs or fowls: Provided further, That any person setting or placing any steel trap or deadfall on the land of another person shall inspect the same within each thirty-six (36) hours thereafter, and shall remove therefrom any animal or fowl caught therein: Provided, further, That any person finding any of the devices mentioned in this section set or placed contrary to the provisions of this act, may seize and destroy all devices so found. Any person violating any of the provisions of this section, or any part thereof, shall be deemed guilty of a misdemeanor, and upon conviction of the same, shall be fined in any sum not less than five (\$5.00) dollars, nor more than fifty (\$50.00) dollars for each offense, to which may be added imprisonment in the county jail not exceeding thirty (30) days. (Acts 1917, p. 438. Burns', 1918 S., Sec. 2511a.)

90. Separate Offense. Sec. 2. The setting of each separate steel trap or deadfall contrary to the provisions of section one of this act, shall constitute and be deemed a separate offense, and shall be punished accordingly, and two or more offenses may be joined in the same affidavit or indictment therefor, and the person so offending, if convicted, shall be punished as provided in section one (1) of this act. (Acts 1917, p. 439. Burns', 1918 S., Sec. 2511b.)

91. Evidence of Violation. Sec. 3. The catching of any domestic animal, dog or fowl, in any steel trap shall be prima

facie evidence, that said steel trap was placed and set contrary to the provisions of section one of this act, and of guilt under said section of this act. (Acts 1917, p. 439. Burns', 1918 S., Sec. 2511c.)

92. Closed Season. Sec. 4. No person shall take, trap, shoot or kill any beaver, raccoon, fox, otter, opossum or skunk in the State of Indiana from the second day of February, to the twentieth day of November of any year: Provided, however, That when any of the animals mentioned in this section, are found injuring or doing damage to or destroying any property, the person whose property is being injured, damaged or destroyed, may at any time kill them on his own premises when necessary for the protection of his own property. Any person violating this section, or any of the provisions thereof, shall be deemed guilty of a misdemeanor, and shall upon the conviction thereof, be fined in any sum not less than five (\$5.00) dollars, nor more than fifty (\$50.00) dollars for each offense, to which may be added imprisonment in the county jail not to exceed thirty (30) days. (Acts 1917, p. 439. Burns', 1918 S., Sec. 2511d.)

93. Penalty. Sec. 5. The taking, trapping, shooting or killing of any of said animals contrary to the provisions of section four of this act, shall be punished as herein provided, and two or more offenses may be joined in the same affidavit or indictment therefor, and the person so offending, if convicted, shall be fined and punished for each offense, as provided in section four (4) of this act. (Acts 1917, p. 440. Burns', 1918 S., Sec. 2511e.)

94. Possession of Animal. Sec. 6. The having in possession of any of the animals mentioned in section four, or the freshly skinned hide or fur thereof, between the second day of February and the twentieth day of November of any year, shall be prima facie evidence of guilt under section four of this act: Provided, That nothing in this act shall be construed to prohibit the having in possession of any of the animals mentioned herein for breeding purposes. (Acts 1917, p. 440. Burns', 1918 S., Sec. 2511f.)

95. Hunting with Ferrets Prohibited. Section 1. It shall be unlawful for any person to hunt, attempt to hunt, catch or in any manner take any rabbit or other species of

game anywhere in this state with or by means of any ferret at any time. (Acts 1913, p. 17. Burns', 1914, Sec. 2511a.)

96. Penalty. Sec. 2. Whoever shall violate or attempt to violate the provisions of section one (1) of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) for each offense. (Acts 1913, p. 17. Burns', 1914, Sec. 2511b.)

97. Hunting with Searchlight. Section 1. That it shall be unlawful for any person to hunt, or attempt to hunt, by means of any searchlight or other artificial light attached to an automobile, any species of game upon any highway or within one hundred fifty yards on either side of said highway anywhere in the State of Indiana. (Acts 1915, p. 111. Burns', 1918 S., Sec. 2511g.)

98. Shooting on Public Highways. Sec. 2. It shall be unlawful for any person to shoot, or cause to be shot, any firearm of any description across, along or upon any public highway in the State of Indiana, except officers of the law when in discharge of their duty. (Acts 1915, p. 111. Burns', 1918 S., Sec. 2511h.)

99. Penalty. Sec. 3. Any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than one dollar (\$1.00), nor more than fifty dollars (\$50.00), for each and every offense, or imprisonment for not less than ten (10) days nor more than sixty (60) days. (Acts 1915, p. 111. Burns', 1918 S., Sec. 2511i.)

100. Wild Deer, Turkey, Pheasant. Sec. 593. Whoever shoots or destroys or pursues for the purpose of shooting or destroying, or has in his possession, dead or alive, except for breeding purposes, any wild deer, buck, doe or fawn, wild turkey, or *any pheasant of any species or kind*,¹ killed or bred in this state, shall, on conviction, be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each wild deer, buck, doe, fawn, wild turkey or *pheasant of any species or kind* so shot or destroyed, pursued or had in his possession: Provided, That the provisions of this section shall not apply to any person or persons owning or having under

¹ See Sec. 101 below.

his domain or control, any deer, buck, doe, or fawn, bred or raised in any private deer park. (Acts 1905, p. 584, as amended by Acts 1907, p. 385. Burns', 1914, Sec. 2512.)

Power of states to regulate the killing and transportation of wild game. *Geer v. Connecticut*, 161 U. S. 519.

The legislature has power to enact statutes for the protection of wild game. *Smith v. State*, 155 Ind. 611, 58 N. E. 1044.

101. Prairie Chickens, Pheasants, Partridges. Section 1. That it shall be unlawful for any person, firm or corporation to hunt, shoot or kill, pursue for the purpose of shooting or killing or have in his possession dead or alive, or to sell or offer for sale, except for breeding purposes, any prairie chicken, any ring-neck Mongolian pheasant, any green Japanese pheasant, any copper pheasant or scholmeringer, any tragopan pheasant, silver pheasant, golden pheasant, Hungarian pheasant, or Hungarian partridge at any time during the year, except that it shall be lawful to hunt, shoot and kill prairie chickens during the period from October fifteenth (15) to November first (1) of any one year: Provided, That during that period no one person shall be entitled to kill more than five (5) prairie chickens in any one day. (Acts 1915, p. 528. Burns', 1918 S., Sec. 2514a.)

102. Penalty. Sec. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum from ten dollars (\$10) to fifty (\$50) dollars. (Acts 1915, p. 528. Burns', 1918 S., Sec. 2514b.)

103. Homing Pigeons. Section 1. That whoever pursues, hunts or kills any homing pigeon shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than \$10.00 nor more than \$100, or imprisonment in the county jail not less than ten days nor more than thirty days, or both, in the discretion of the court. (Acts 1913, p. 57. Burns', 1914, Sec. 2514a.)

104. Quail, Netting or Trapping. Sec. 594. Whoever nets or traps, or attempts to net or trap any quail; or who has in his possession any net or trap for the purpose of netting or trapping any quail at any time, shall, on conviction, be fined not less than ten dollars nor more than fifty dollars for each offense. Each act of netting or trapping, or attempting to net or trap quail, or each day's possession of

such net or trap, shall be deemed and held to be a separate and distinct offense and punishable as such. (Acts 1905, p. 584. Burns', 1914, Sec. 2515.)

105. Quail, Season for Hunting. Sec. 8. It shall be unlawful for any person, firm or corporation to hunt, shoot or kill, pursue for the purpose of shooting or killing, or have in his or its possession, dead or alive, except for breeding purposes, and then only by permission of the *commissioner* [Superintendent] of fisheries and game, any quail or ruffed grouse at any time from the twentieth day of December of any year to the tenth day of November of the following year. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars (\$10.00) for each quail or ruffed grouse so hunted, shot, killed, pursued or possessed. (Acts 1913, p. 368. Burns', 1914, Sec. 2516.)

106. Quail, Bag Limit. Sec. 596. Whoever shoots, kills, or has in his possession more than fifteen quail in any one day between the tenth day of November of any year and the first day of January of the succeeding year,¹ shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars for each quail so shot, killed or possessed in excess of fifteen: Provided, That any person having hunted three days or more in succession may have a total of not to exceed forty-five quail, killed by himself during such hunt. (Acts 1905, p. 584, as amended by Acts 1907, p. 378. Burns', 1914, Sec. 2517.)

107. Quail, Selling. Sec. 577. Whoever sells, or offers for sale, directly or indirectly, at any time, any quail, shall, on conviction, be fined ten dollars for each quail sold or offered for sale. (Acts 1905, p. 584. Burns', 1914, Sec. 2518.)

Persons may be convicted of having unlawful possession of game, although when such game came into their possession it was not unlawful to receive the same. *Smith v. State*, 155 Ind. 611, 58 N. E. 1044.

108. Geese, Ducks and Brant. Sec. 598. Whoever shoots or kills, or pursues for the purpose of shooting or killing or whoever has in his possession any wild goose, wild duck, brant or other waterfowl at any time from the fifteenth day of April of any year to the first day of September

¹ These dates were fixed by the Act of 1913, Sec. 105 above from Dec. 20th to Nov. 10th.

of the same year, or whoever at any time between sunset of any day and sunrise of the succeeding day shoots, kills, pursues for the purpose of shooting or killing any wild goose, wild duck, brant or other waterfowl or whoever at any time pursues any wild goose, wild duck, brant or other waterfowl with or by means of a naphtha, electric or steam launch or boat, or any other kind of boat except a row boat or push boat, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined ten dollars (\$10) for each wild goose, wild duck, brant or other waterfowl so shot, killed, possessed or pursued.¹ (Acts 1905, p. 584 as amended by Acts 1909, p. 327. Burns', 1914, Sec. 2519.)

109. Wild Ducks, Geese, Brant, Etc., Bag Limit. Sec. 599. Whoever shoots or kills, or whoever has in his possession more than fifteen wild ducks, wild geese, brant, or waterfowl in any one day at any time from the first day of September of any year to the fifteenth day of April of the succeeding year, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars for each wild goose, wild duck, brant or other waterfowl so shot, killed or possessed in excess of fifteen (15): Provided, That any person having hunted three days or more in succession may have a total of not to exceed forty-five (45) wild geese, wild ducks, brant or other waterfowl killed by himself during such hunt.² (Acts 1905, 584 as amended by Acts 1909, p. 327. Burns', 1914, Sec. 2520.)

110. Squirrels, Closed Season. Sec. 601. Whoever shoots or destroys, or pursues for the purpose of shooting or destroying, or has in his possession any wild squirrel, from the first day of December of any year to the first day of August of the succeeding year, shall, on conviction, be fined ten dollars (\$10) for each squirrel so shot, destroyed, pursued or had in his possession. (Acts 1905, p. 584, as amended by Acts 1907, p. 136 and Acts 1917, p. 140. Burns', 1918 S., Sec. 2521.)

111. Squirrels in Public Parks. Section 1. That it shall be unlawful for any person in the State of Indiana to take, kill, or shoot at, or in any manner disturb any squirrel in any public park or state grounds, or within one-half mile thereof,

¹ See Secs. 109 and 119.

² See Secs. 108 and 119.

in the State of Indiana. (Acts 1911, p. 163. Burns', 1914, Sec. 2521a.)

112. Penalty. Sec. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50). (Acts 1911, p. 163. Burns', 1914, Sec. 2521b.)

113. Wild Birds. Sec. 602. It shall be unlawful for any person to kill, trap or possess any wild bird, or to purchase or offer the same for sale, or to destroy the nest or eggs of any wild bird, except as otherwise provided in this section. But this section shall not apply to the following named game birds: The anatidae, commonly called swans, geese, brant, river and sea duck; the rallidae, commonly known as rails, coots, mud-hens and gallinules; the linicolae, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sand pipers, tattlers and curlews; the gallinae, commonly called wild turkeys, grouse, prairie chicken, quail and pheasant; nor to English or European house sparrows, black birds, crows, hawks, or other birds of prey. Nor shall this section apply to any person taking birds or their nests or eggs for scientific purposes under permit as provided in the next section. Any person violating the provisions of this section shall, on conviction, be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (Acts 1905, p. 584, as amended by Acts 1907, p. 378, and Acts 1913, p. 593. Burns', 1914, Sec. 2522.)

114. Permit to Take Birds and Eggs. Sec. 603. Permits may be granted by the *commissioner* [superintendent] of fisheries and game to any properly accredited person, permitting the holder thereof to collect birds, their nests or eggs for strictly scientific purposes. In order to obtain such permit the applicant for the same must present to such *commissioner* [superintendent] written testimonials from two well-known scientific men certifying to the good character and fitness of such applicant to be entrusted with such privilege, and pay to such *commissioner* [superintendent] one dollar therefor, and file with him a properly executed bond in the sum of two hundred dollars (\$200), payable to the State of Indiana, conditioned that he will obey the terms of such permit, and signed by at least two responsible citizens of the state

as sureties. The bond may be forfeited, and the permit revoked upon proof to the satisfaction of such *commissioner* [superintendent] that the holder of such permit has killed any bird or taken the nest or eggs of any bird for any other purpose than that named in this section. (Acts 1905, p. 584. Burns', 1914, Sec. 2523.)

115. Permit to Hunt. Sec. 604. Whoever hunts with dog or ferrets, or whoever hunts or shoots with any kind of firearms, upon any land without first securing the consent of the owner or tenant thereof, shall, on conviction, be fined not less than ten dollars (\$10) nor more than twenty-five dollars (\$25). Acts 1905, p. 584. Burns', 1914, Sec. 2524.)

It is not necessary in charging an offense under this section to particularly describe the lands; naming the owner or occupant and the state and county is sufficient. *Winlock v. State*, 121 Ind. 531, 23 N. E. 514; *State v. Smith*, 7 App. 166, 34 N. E. 127.

116. Injury to Property While Hunting. Sec. 605. Whoever, while hunting upon the lands of another, carelessly or wantonly injures any cow, horse, hog, sheep, chicken, turkey, duck, or other property, either real or personal, of any person, shall, on conviction, be fined not less than the value of the property destroyed, or amount of the injury done, nor more than double the value of the property destroyed, or amount of the injury done. (Acts 1905, p. 584. Burns', 1914, Sec. 2525.)

117. Sunday Hunting. Sec. 606. Whoever hunts or shoots wild birds, rabbits, or any species of game with any kind of firearms on the first day of the week, commonly called Sunday, shall, on conviction, be fined not less than one dollar nor more than fifty dollars (\$50). Acts 1905, p. 584. Burns', 1914, Sec. 2526.)

118. Woodcock, Sale. Sec. 607. Whoever hunts, shoots, kills or has in his possession, any woodcock at any time from the first day of January of any year to the first day of July of the same year shall be guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars (\$10) for each woodcock so hunted, shot, killed or possessed. (Acts 1905, p. 584, as amended by Acts 1907, p. 378. Burns', 1914, Sec. 2527.)

119. Closed Season. Sec. 7. It shall be unlawful to hunt any kind of game except wild duck and other waterfowl, at any time from the twentieth day of December to the first day

of April of the following year. Any one guilty of violating any of the provisions of this section shall, on conviction, be fined not less than five dollars (\$5) nor more than fifty dollars (\$50) for each offense, and every day this section is violated shall constitute a separate and distinct offense: Provided, That nothing in this act shall be construed to prevent the hunting of rabbits between the twentieth day of December and the tenth day of January of the following year.¹ (Acts 1913, p. 371. Burns', 1914, Sec. 2528.)

120. Birds and Animals Reared in Captivity. Section 1. That all birds and animals reared and bred in captivity, shall be considered domestic fowls and stock, and the owner or raiser thereof may keep, sell, ship, transport or otherwise dispose of them, and the same shall not be affected or covered by the laws prohibiting or regulating the killing or disposition of birds and animals grown or propagated in a wild state. (Acts 1915, p. 100. Burns', 1918 S., Sec. 2528a.)

121. Resident Hunting and Fishing License. Sec. 609. It shall be unlawful for any person who is a resident of the State of Indiana to hunt or fish anywhere within the State of Indiana without first procuring a license to do so, and he may then hunt or fish only during the respective periods of the year when it shall be lawful to do so. In every county of this state having a population of less than two hundred thousand inhabitants according to the last preceding census, it shall be the duty of the clerk of the circuit court to issue such license to any resident of such county upon application of such person. Such license shall contain a description of such person, giving his age, weight, height, color of hair, color of eyes, complexion, and any distinctive mark or marks, and shall be signed by him in ink. Such license shall contain the signature of the *commissioner* [Superintendent] of fisheries and game, and shall be countersigned by the clerk or agent issuing the same, and shall be good for one year from the date of issue. In all counties of this state having a population of two hundred thousand or more inhabitants, according to the last preceding census, the *commissioner* [Superintendent] of fisheries and game, or agents, appointed by him for that purpose, shall issue licenses as described above to the residents of such county. The *commissioner* [Superintendent]

¹ See Sections 108 and 109 .

of fisheries and game shall furnish all necessary blank applications and licenses to the said clerks and appointees. Before the issuance of any such license the applicant shall pay to such clerk, *commissioner* [Superintendent] of fisheries and game or his appointee, the sum of one dollar. Any person securing such license shall have the same in his possession when hunting or fishing, and shall show the same to the *commissioner* [Superintendent] of fisheries and game or his deputy upon request: Provided, That no license shall be issued to any person under the age of fourteen years unless the application is endorsed in writing by the parent or guardian of such applicant: Provided, further, That the resident owner or owners of farm lands, their children living with them, or their tenants may fish or hunt upon the lands of which he or they are the bona fide owner, owners or tenants, during the respective seasons of the year when it shall be lawful so to do, without procuring such license: Provided, further, That any person may fish in the county in which he resides or in any county adjacent thereto without procuring such license: Provided, further, That all children under the age of eighteen, and the wife of a man who has procured a license under the provisions of this section shall be permitted to fish only without securing a license: and, Provided, further, That licenses to hunt in effect at the time of the taking effect of this act shall entitle the holders of them to hunt and fish, the same as licenses issued under this section. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars (\$5) nor more than twenty-five dollars (\$25), and every day this section or any of its provisions is violated shall constitute a separate and distinct offense. (Acts 1905, p. 584, as amended by the Acts of 1907, p. 378 and by the Acts of 1913, p. 310. Burns', 1914, Sec. 2529.)

122. **Funds.** Sec. 2. The funds created by this act shall become a part of and be included in the fish and game protective and propagation fund, and said fund shall be expended in the propagation, protection and purchase of fish and game as provided by law. The *Commissioner* [superintendent] of Fisheries and Game may employ such deputies and other assistants as may be necessary to render effective this and all other acts pertaining to fish, game, fur bearing ani-

mals or wild birds that are now or may hereafter be in force.¹ (Acts 1913, p. 310. Burns', 1914, Sec. 2529a.)

123. Hunting and Fishing, Soldiers and Sailors. Section 1. That any honorably discharged soldier, sailor or marine of the United States who shall have served in the civil war shall be entitled to fish or hunt during any open season for fish or game in the State of Indiana without procuring a license as required by law. (Acts 1915, p. 99. Burns', 1918 S., Sec. 2529a.)

124. Carrying Game Outside of State. Sec. 610. It shall be unlawful for any railroad company, express company, or other common carrier, or other person, to transport, take or carry or receive for the purpose of transporting, taking or carrying beyond the limits of this state, any wild deer, buck, doe or fawn, any quail, wild duck, brant, wild goose, or other waterfowl, ruffed grouse, pinnated grouse, prairie chicken, woodcock, wild turkey, or any pheasant of any kind or species (except as provided in the next section). Any railroad company, express company or other common carrier, or other person violating any of the provisions of this section shall, on conviction, be fined one hundred dollars (\$100) for each such wild deer, buck, doe or fawn transported, taken or carried or received for the purpose of transportation, taking or carrying beyond the limits of this state; fifty dollars (\$50) for each pheasant of any kind or species, or wild turkeys so transported, taken or carried beyond the limits of this state, and ten dollars (\$10) for each quail, wild duck, brant, wild goose, or other wild waterfowl, ruffed grouse, pinnated grouse, prairie chicken or woodcock transported, taken or carried or received for the purpose of being transported, taken or carried beyond the limits of this state. (Acts 1905, p. 584. Burns', 1914, Sec. 2530.)

125. Non-resident License. Sec. 611. It shall be unlawful for any person who is a non-resident of the State of Indiana to hunt any of the wild animals, fowls or birds that are protected by law during any part of the year, without first procuring a license so to do, and then only during the respective seasons of the year when it shall be lawful so to do. Such license shall be procured in the following manner,

¹ With the approval of the director of the Conservation Commission.

to wit: The applicant shall fill out a blank application, to be furnished by the clerk of the circuit court of any county in the state, setting forth the name, place of residence, occupation, age, height, weight, complexion, color of hair, color of eyes, and any distinctive mark or marks of the applicant, which application shall be sworn to before some person authorized to administer oaths in the State of Indiana, or the state in which the applicant resides. Upon the presentation of such application, together with a photograph of the applicant, to the clerk of the circuit court of any county in this state, such clerk shall issue to applicant a license to hunt anywhere in the State of Indiana. Such license shall have attached thereto the said photograph of the licensee, shall be good for one year from date of issue, and shall be substantially in the following form, to wit:

State of Indiana, County ofss:

This certifies that, a resident of county, State of, has this day complied with the law authorizing the issuance of hunting licenses to non-residents of the State of Indiana, and is hereby authorized to hunt anywhere in the State of Indiana for the period of one year from this date..

Description of licensee: Age,years; height,feet inches; weight, pounds; complexion,; color of hair,; color of eyes,; distinctive mark or marks,.....

Witness the signature of the clerk of said county and the seal of the circuit court of said county this theday of, 19....

.....,
Clerk ofCounty Circuit Court.

Before the issuance of any such license the applicant shall pay to such clerk the sum of fifteen dollars and fifty cents, (\$15.50), fifteen dollars of which shall be paid by said clerk to the Treasurer of State as a part of the fish and game protective fund, as hereinafter provided, and fifty cents of which shall be reserved by the said clerk and disposed of as other fees of his office are disposed of. Any licensee under the provisions of this section is hereby authorized to kill and remove from this state not to exceed fifteen game birds of all kinds each day that he hunts in this state, which shall be carried

openly for inspection together with his license: Provided, That any licensee under this section who has hunted three days or more in succession may take beyond the limits of this state a total of not to exceed forty-five game birds of all kinds killed by himself during such hunt. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), to which may be added imprisonment in the county jail for any period not less than thirty days nor more than sixty days. (Acts 1905, p. 584, as amended by Acts 1907, p. 378. Burns', 1914, Sec. 2531.)

126. Seines, Traps or Spears in Possession. Sec. 613. Whoever has in his possession any seine, dip net, gill net, pond net, or other kind of net, spear, gig or trap, or any part thereof, except as otherwise provided in this section, shall, on conviction, be fined not less than five dollars (\$5) nor more than two hundred dollars (\$200) for each offense, to which may be added imprisonment in the county jail for any determinate period, and every day's possession of such articles, or any of them, shall constitute a separate and distinct offense under this section: Provided, This section shall not apply to persons who have in their possession nets, seines, traps or other fishing tackle for the purpose of taking fish from Lake Michigan, the Ohio river, or the Wabash river in so far as it is the boundary line between the States of Indiana and Illinois, except that persons having such nets, seines and other devices for use in any of the said waters, shall keep the same within two miles of such waters: Provided, also, That this section shall not apply to owners of private ponds who keep a seine for use only in such ponds: Provided, also, That this section shall not apply to minnow traps or minnow seines not more than twelve feet long, four feet deep, and the meshes of which shall not be larger than one-fourth of an inch. (Acts 1905, p. 584. Burns', 1914, Sec. 2532.)

Legislative power to exempt streams from the operation of the fish laws. *Gentile v. State*, 29 Ind. 409; *Stuttsman v. State*, 57 Ind. 119.

Power of legislature to make it a crime to have articles in possession for catching fish. *State v. Lewis*, 134 Ind. 250, 33 N. E. 1024; *Lewis v. State*, 148 Ind. 346, 47 N. E. 675.

Jurisdiction of justices of the peace in prosecutions under a section of this character. *Pritchett v. Cox*, 154 Ind. 108, 56 N. E. 20.

As to the sufficiency of a charge for unlawfully taking fish with a spear. *Stuttsman v. State*, 57 Ind. 119.

127. Seizure. Sec. 2. It shall be the duty of the *Commissioner* [Superintendent] of Fisheries and Game and his deputies to seize and destroy any seine more than twelve (12) feet long and four (4) feet wide, dip net, gill net, set net, trammel net, pond net, cast net or other kind of net, trap or spear, and for each seine more than twelve (12) feet long and four (4) feet wide, dip net, gill net, set net, trammel net, pond net, cast net, or other kind of net or trap, the officers so seizing and destroying the same shall be paid out of the county treasury of the county, where the same is seized and destroyed the sum of five dollars (\$5), and for each spear or gig so seized and destroyed such officer shall in like manner be paid the sum of one dollar (\$1): Provided, That no such sums shall be paid to such officer unless the owner or the person in whose possession such article or articles are found shall have been convicted and fined for using or having such article or articles in possession. (Acts 1907, p. 501. Burns', 1914, Sec. 2533.)

128. State Breeding Grounds. Section 1. It shall be the duty of the *Commissioner* [Superintendent] of Fisheries and Game, in each of the lakes in this state having shallows and bays in which fish make their beds and hatch their young, to set apart such shallows and bays and designate them as breeding grounds by means of appropriate signs bearing the words, "State Breeding Ground." Any person who shall knowingly, in any manner, take, catch or kill, or pursue for the purpose of taking, catching or killing, any fish whatever from any such breeding ground or grounds, after the same shall have been set apart and designated as hereinbefore set out, at any time between the twentieth day of March and the first day of July of any year, shall be fined not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each fish so taken, caught, killed or pursued: Provided, That this section shall not be construed to prohibit the removal of marl from the waters of this state for manufacturing purposes. (Acts 1913, p. 368. Burns', 1914, Sec. 2533a.)

129. Prohibited Fishing Devices. Sec. 2. Whoever fishes in any of the waters of this state with any trot line or set line of any kind having any hook or hooks thereon smaller than five-sixteenths ($5/16$) of an inch from point of hook to the shank, or with any line and hook of any kind attached

to any bottle, or to any floating device whatever, when more than fifteen such bottles or floating devices are used, shall, on conviction, be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense: Provided, That the provisions of this section shall not apply to the Ohio river, Lake Michigan, nor the Wabash river so far as it is the boundary line between the States of Indiana and Illinois. (Acts 1913, p. 368, as amended by Acts 1915, p. 32, as amended by Acts 1919, p. 728. Burns', 1918 S., Sec. 2533b.)

130. Carrying Fish Out of State. Sec. 6. It shall be unlawful for any railroad company, express company, or other common carrier to transport, take or carry or receive for the purpose of transporting, taking, or carrying beyond the limits of this state any pike, pickerel, wall-eyed pike, perch, blue-gill, black bass, green bass, rock bass or other species of bass, and it shall be unlawful for any person or persons to deliver or offer to deliver to any railroad company, express company or other common carrier, any of said species of fish for the purpose of transporting, taking, or carrying the same beyond the limits of this state: Provided, That none of the provisions of this section shall prevent any common carrier from transporting fish which have been taken from private ponds, nor to prevent any person other than a common carrier, from personally taking a total of not to exceed twenty-four (24) of the said species, caught by himself, beyond the limits of this said state, which said fish shall be carried by such person openly for inspection by any officer of the *Indiana Fish and Game Commission*.¹ Provided, further, That before any common carrier shall transport any fish from private ponds, the owner of said ponds shall present an affidavit stating that said fish were taken from said private ponds. The words "private ponds," as used in this act, shall be construed to mean and include any body of water not greater than twenty acres in area, lying wholly within or upon the land of any landowners. Whoever shall violate any of the provisions of this section shall, upon conviction thereof, be fined ten dollars (\$10) for each fish transported, taken or carried, or received for the purpose of transporting, taking or carrying, or delivered or offered for delivery, for the purpose of transporting, taking or carrying beyond the limits of this state. (Acts 1913, p. 368. Burns', 1914, Sec. 2533c.)

¹ Fish and game division or Conservation Commission or director.

131. Fish Trap Prohibited. Sec. 614. Any person who shall construct any fish trap or other device for catching fish, or shall shoot, spear, gig, or in any manner take or kill any fish within one thousand feet of any fish ladder constructed on any dam in the State of Indiana, save and except by hook and line, shall, on conviction, be fined not less than twenty-five dollars (\$25) nor more than seventy-five dollars (\$75), and the township trustee shall, or any other person may, destroy any fish trap or other device for catching fish found within one thousand feet of any such fish ladder.¹ (Acts 1905, p. 584. Burns', 1914, Sec. 2534.)

132. Sale of Fish Prohibited. Sec. 615. Whoever shall sell or offer for sale any pike, pickerel, wall-eyed pike, perch, blue-gills, black bass, green bass, rock bass, or other species of bass caught in any of the waters of this state, at any time, shall, on conviction, be fined five dollars (\$5.00) for each fish caught, sold or offered for sale, and proof that any of the varieties of fish mentioned in this section were sold or offered for sale shall be considered prima facie evidence that said fish were caught in the waters of this state. (Acts 1905, p. 584, as amended by Acts 1907, p. 86. Burns', 1914, Sec. 2535.)

133. Protection and Propagation of Trout. Section 1. The *Commissioner* [Superintendent] of Fisheries and Game may, on his own initiative, and shall, on petition of any interested person or persons, as hereafter provided, prohibit all fishing for a period of three (3) years, in any river, stream, lake, watercourse or other body of water, or any part or parts thereof, which abounds with trout or which may be planted or stocked with trout spawn or eggs. Any person or persons who may desire to have any river, stream, lake, watercourse or other body of water, or any part or parts thereof, closed against fishing, for the purpose of planting or stocking the same with trout or protecting the trout which already abound therein, may file a petition for that purpose with the *Commissioner* [Superintendent] of Fisheries and Game. Such petition shall set forth the name of the petitioner or petitioners; a description and general location of the river, stream, lake, watercourse or other body of water, or the portion or portions thereof which they desire enclosed; the

¹ For regulations as to fish traps, see Sections 170-177.

purpose for which such enclosure is to be used; the relative abundance of trout in such waters; whether or not such waters have been stocked or planted with trout or the fry, spawn or eggs thereof; the general suitability of the proposed enclosure as a breeding ground for a habitat of trout. Such petition shall be verified and shall be signed by at least ten (10) freeholders, in addition to the petitioner or petitioners, who are legal residents of the township or townships through which such stream, river, or watercourse flows, or in which such lake or other body of water, or the portion or portions to be enclosed is situated. Such attesting witnesses shall be familiar with the location and character of the river, stream, lake, watercourse or other body of water, or such portion or portions thereof as are designed to be enclosed and utilized as a breeding ground; the nature and abundance of trout therein; and the suitability of such stream as a practicable breeding ground. If the *commissioner* [superintendent] is satisfied that such petition is executed in good faith; that the proposed breeding grounds described in such petition are suitable for the propagation of trout; and that the closure of such proposed breeding grounds is desirable or necessary for the protection and propagation of trout, the *commissioner* [superintendent] or one of his authorized deputies shall designate the general extent, limits and periphery of such breeding grounds by appropriate and substantial markers, and shall establish an appropriate and durable sign bearing the words, "State Breeding Grounds," in conspicuous letters, and the date on which the closure of such breeding ground will expire, which shall be not less than three (3) years from the date on which such enclosure was established. The *commissioner* [superintendent] or his authorized deputies shall visit such breeding grounds periodically to see that the markers are in serviceable condition and that the law is being complied with. The sign bearing the words, "State Breeding Ground," shall be designed and provided by the *Commissioner* [Superintendent] of Fisheries and game and the inspection and supervision of such breeding grounds shall be performed by the *Commissioner* [Superintendent] of Fisheries and Game as a part of his regular duties. (Acts 1917, p. 102. Burns', 1918 S., Sec. 2535c.)

134. **Closed Season.** Sec. 2. It shall be unlawful for any person to take, catch or kill, or attempt to take, catch or kill

any trout in any of the waters of this state at any time from the first day of September, of any year to the first day of April of the following year. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars (\$5) nor more than ten dollars (\$10) for each trout so taken, caught or killed. (Acts 1917, p. 102. Burns', 1918 S., Sec. 2535d.)

135. Size of Trout Taken. Sec. 3. It shall be unlawful for any person, knowingly or intentionally, to take, catch or kill in any of the waters of this state or to have in his possession at any time any trout less than seven (7) inches in length. In case any such trout is taken or caught, the person taking or catching it shall immediately return it to the waters from which it was taken without unnecessary injury. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars (\$5) nor more than ten dollars (\$10) for each trout so taken, caught, killed or possessed less than seven (7) inches in length. (Acts 1917, p. 102. Burns', 1918 S., Sec. 2535e.)

136. Day's Catch. Sec. 4. It shall be unlawful for any person to take, catch, kill or have in his possession more than twenty (20) trout in any one day. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each trout so taken, caught, killed or possessed in excess of the number prescribed in this section. (Acts 1917, p. 102. Burns', 1918 S., Sec. 2535f.)

137. Trout Fishing. Sec. 5. Except as otherwise provided in this act, it shall be unlawful for any person to take, catch or kill or attempt to take, catch or kill any trout in any of the waters of this state in any manner or by any other means than by the use of hook and line, equipped with artificial bait or any form of natural bait, not otherwise prohibited by law, except trout, fry or trout minnows. It shall be unlawful for any person to take, catch, or capture or attempt to take, catch or capture any minnows of any variety within

the limits of any state breeding ground established for the breeding and propagation of trout. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars (\$5) nor more than ten dollars (\$10) for each separate offense. (Acts 1917, p. 102. Burns', 1918 S., Sec. 2535g.)

138. Trout Defined. Sec. 6. The term "trout" as used in this act shall be construed to include all varieties of the salmonidae found in inland waters, comprising salmon trout, steel-head trout, mountain trout, rainbow trout, speckled trout and brook trout. None of the provisions of this act shall apply to the Ohio river, to Lake Michigan or to the Wabash river so far as it is the boundary line between the states of Indiana and Illinois. (Acts 1917, p. 102. Burns', 1918 S., Sec. 2535h.)

139. Fishing Through Ice. Section 1. That it shall be unlawful to take, catch or kill, or attempt to take, catch or kill, any fish in the waters of any fresh water lakes in the State of Indiana having a water area of not more than two and one-half square miles, and not less than two square miles, as shown by the twenty-fifth annual report of the Department of Geology and Natural Resources of the State of Indiana, for the year of 1900, when the waters of such lakes are covered in whole or in part with ice. (Acts 1907, p. 53. Burns', 1914, Sec. 2537.)

140. Penalty. Sec. 2. Whoever shall violate any of the provisions of this act shall be fined in any sum not exceeding five dollars (\$5) for each and every attempt to so take, catch or kill any fish, and not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each fish so taken, caught or killed from the waters of such lakes. (Acts 1907, p. 53. Burns', 1914, Sec. 2538.)

141. Shooting Fish. Sec. 617. Whoever at any time shoots or shoots at any fish of any kind in any of the waters of this state, shall, on conviction, be fined not less than five dollars (\$5) nor more than fifty dollars (\$50) for each offense, to which may be added imprisonment in the county jail not exceeding thirty days. (Acts 1905, p. 584. Burns', 1914, Sec. 2539.)

142. Catching of Fish Regulated. Sec. 619. Whoever shall take, catch or kill, or attempt to take, catch or kill any fish in any of the waters of this state by means of any gig, spear, seine, net, or trap of any kind, except as otherwise provided in this section; or whoever shall kill or destroy, or attempt to kill or destroy any fish by the use of Indian cockle, fish berries or other substances which have a tendency to stupefy or poison fish, shall, on conviction, be fined not less than ten dollars (\$10) nor more than twenty dollars (\$20), to which may be added imprisonment in the county jail for any period not to exceed thirty days, and for a second or subsequent offense he shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), to which may be added imprisonment in the county jail for any period not to exceed sixty days: Provided, That the provisions of this section as to the use of a gig, spear, seine, net or trap of any kind shall not apply to the waters of Lake Michigan, private ponds, the Ohio river, or the Wabash river so far as it is the boundary line between the States of Indiana and Illinois; but in such case, it shall, nevertheless, be unlawful to use any net, seine or trap in the Ohio river or Wabash river so far as the same is the boundary line between the States of Indiana and Illinois, within one hundred yards of the mouth of any stream emptying into said rivers from the Indiana side; nor to persons catching minnows for bait with a minnow trap or minnow seine, which seine shall not be more than twelve feet long, four feet deep, and the meshes of which shall not be larger than one-fourth of an inch. (Acts 1905, p. 584. Burns', 1914, Sec. 2541.)

The legislature may exempt certain streams in the state from the operation of the fish laws. *Gentile v. State*, 29 Ind. 409; *Stuttsman v. State*, 57 Ind. 119.

Legislative power as to regulating the time and manner of catching fish. *Gustavel v. State*, 153 Ind. 613, 54 N. E. 123.

Sufficiency of a charge for unlawfully taking fish with a spear. *Stuttsman v. State*, 57 Ind. 119.

143. Sizes of Fish that May Be Taken. Sec. 620. No pickerel or pike perch, commonly called wall-eyed pike, less than twelve inches in length, or rock bass, or crappie, less than six inches in length, or black bass less than ten inches in length, shall be intentionally taken from the waters of this state, or possessed, and in case any such fish is taken the person taking it shall immediately return it to the waters from which it was taken without unnecessary injury. Any per-

son violating the provisions of this section shall, on conviction, be fined not exceeding ten dollars (\$10). (Acts 1905, p. 584. Burns', 1914, Sec. 2542.)

144. Protection of Fish in Lake Michigan. Section 1. All fish of whatever kind found in the waters of Lake Michigan, within the jurisdiction of the State of Indiana, shall be, and are hereby declared to be the property of the State of Indiana, and shall be taken, transferred, sold and possessed only in accordance with the provisions of this act, or any other provisions of the laws of this state relating thereto. (Acts 1917, p. 94. Burns', 1918 S., Sec. 2542a.)

145. Nets. Sec. 2. It shall be unlawful for any person to use in the waters of Lake Michigan and the bays and harbors thereof, within the jurisdiction of this state, any pound or trap net, gill net, seine, or any fixed, set or movable net of any kind or description whatever, the meshes of which are different than prescribed by this section as follows: Gill nets with meshes of not less than four (4) inches may be used for the taking of whitefish and trout; gill nets with meshes of two and one-fourth ($2\frac{1}{4}$) inches may be used for the purpose of taking perch, herring and other rough fish wherever and whenever they will not take more than fifteen per cent. (15%) of immature whitefish and lake trout, such percentage to be determined by the state *Commissioner* [Superintendent] of Fisheries and Game by inspection of the fish taken in such nets by lifts made on same grounds, for a period of six (6) days in succession: Provided, That uninjured immature fish shall be returned to the water. Said state *Commissioner* [Superintendent] of Fisheries and Game is hereby given authority to remove or cause the removal from said waters of such nets whenever and wherever from the inspection herein provided he shall determine that such nets are taking more immature whitefish or trout than allowed by the provisions of this section. Gill nets with meshes of not less than one and one-half ($1\frac{1}{2}$) inches nor more than two (2) inches may be used for the purpose of taking bait for hook and line fishing when and where such nets will not take immature fish. Gill nets with meshes of not less than two and one-half ($2\frac{1}{2}$) inches may be used for the purpose of taking chubs. Pound nets with the pot, crib or pocket being that part of the net in which fish are finally captured, having meshes of not less than

two and one-half ($2\frac{1}{2}$) inches in the bottom, sides and front, as found in use, extension measure, from center of knot to center of knot when fully extended, with back having meshes of not less than two (2) inches, extension measure, as manufactured, with the lead having meshes of not less than five (5) inches, the funnel and the heart having meshes of not less than four (4) inches, extension measure, as manufactured, may be used for taking white-fish and trout; pound nets with the front, sides and bottom of the pot, crib or pocket, also that part of the funnel inside of the pot, crib or pocket having meshes of not less than two and one-half ($2\frac{1}{2}$) inches, and the back two (2) inches, the funnel inside of the pot, crib or pocket two and one-fourth ($2\frac{1}{4}$) inches, and such part of the funnel outside of crib or pocket with the heart and lead four (4) inches, as manufactured. The measurement of the meshes of gill nets as prescribed in this section shall be by extension measure from center of knot to center of knot when fully extended as used for the purpose of taking fish. (Acts 1917, p. 94. Burns', 1918 S., Sec. 2542b.)

146. Legal Nets. Sec. 3. All nets in use at the time of the passage of this act, and which are legal nets under the laws in force at that time, may be used until January one (1), nineteen hundred nineteen (1919), even though made illegal by the provisions of this act. (Acts 1917, p. 94. Burns', 1918 S., Sec. 2542c.)

147. Bass and Trout. Sec. 4. It shall be unlawful for any person to take or catch with any kind of a net in any of the waters mentioned in this act black bass of any kind, any brook trout, rainbow trout, German brown trout, Loch Leven trout, or any other species of brook trout, or to sell or offer for sale or to have in possession at any time any of the said fish taken with nets. Any such fish found in any net shall at once be returned to the waters from which taken with as little harm as possible to said fish. (Acts 1917, p. 94. Burns', 1918 S., Sec. 2542d.)

148. Identification. Sec. 5. It shall be unlawful for any person, firm or corporation to set or use nets in any of the waters mentioned in this act without marking the location of and identifying said nets by attaching to the buoys of gill nets flags at least three (3) feet above the surface of the water, said flags or buoys to show in plain figures the boat li-

cense number of the person or corporation using the nets. (Acts 1917, p. 94. Burns', 1918 S., Sec. 2542e.)

149. Fish, Offal or Filth. Sec. 6. All fish, offal or filth of any description whatsoever, accruing from the catching and curing of fish in or near the waters mentioned in this act shall be cooked or burned, or buried ten (10) rods distant from the beach or shore. (Acts 1917, p. 94. Burns', 1918 S., Sec. 2542f.)

150. License Fees. Sec. 7. It shall be the duty of the state *Commissioner* [Superintendent] of Fisheries and Game, when application is made by any person, firm or corporation in accordance with this act, to issue the license provided for in this act upon payment by the applicant, if a resident of this state, of the following fees: For each sail or row boat propelled by means of a sail, five dollars (\$5) per year; for each boat propelled by steam, gasoline, naphtha, electricity or other motive power of less than five (5) tons, gross tonnage, ten dollars (\$10) per year; for each boat propelled by steam, gasoline, naphtha, electricity, or other motive power of over five (5) tons, or not more than fifteen (15) tons, gross tonnage, ten dollars (\$10) per year; boats of over fifteen (15) tons, gross tonnage, twenty-five dollars (\$25) per year. If he desires to make use of one (1) or more nets of any kind for the purpose of fishing without a boat or under the ice during the winter months, he shall pay a fee of one dollar (\$1) per year. If a non-resident of this state, he shall pay the following fees: For each sail or row boat propelled by means of a sail or oars, ten dollars (\$10) per year. For each sail boat propelled by steam, gasoline, naphtha, electricity or other motive power, the said boat being less than ten (10) tons, gross tonnage, fifty dollars (\$50) per year; for each boat propelled by steam, gasoline, naphtha, electricity or other motive power or more than ten (10) tons, gross tonnage, five dollars (\$5) for each gross ton per year: Provided, however, That no non-resident person, firm or corporation shall be required to pay more than three hundred dollars (\$300) on any one (1) boat in one (1) year; if he desires to fish with one or more nets without the use of a boat or under the ice during the winter months, he shall pay the sum of one hundred dollars (\$100) per year: Provided, further, That for the purpose of this act computation of the

amount each person shall pay for the use of boats shall be made upon the gross tonnage of boats as computed and registered by the United States government inspectors: Provided further, That for the purpose of this act any corporation in which less than seventy-five per cent (75%) of its stock is and has actually been owned by bona fide residents of this state for more than six (6) months prior to the time of making application for license, shall be considered non-residents. (Acts 1917, p. 94. Burns', 1918 S., Sec. 2542g.)

151. License. Sec. 8. Upon the payment of the fee provided for in this act, the state *Commissioner* [Superintendent] of Fisheries and Game shall have prepared and shall issue to persons, firms or corporations entitled to the same, a printed or written license signed by him, setting forth the date of issuing the same, to whom issued, the date on which it will expire, and the name of boat, tug, launch, net or nets for which said license was issued. (Acts 1917, p. 94. Burns', 1918 S., Sec. 2542h.)

152. Record of Licenses, Funds. Sec. 9. All boat licenses shall expire on the first day of June following their issue. The state *Commissioner* [Superintendent] of Fisheries and Game shall keep a record of all applications and licenses. On the first day of each month, the state *Commissioner* [Superintendent] of Fisheries and Game shall pay over to the State Treasurer all moneys received by him under the provisions of this act, and said moneys shall be credited to the fund for the propagation of fish and game and shall be disbursed by the auditor for services of the state *Commissioner* [Superintendent] of Fisheries and Game and his deputies and their expenses in enforcing the laws for the protection of fish, and for the purchase of patrol boats and other apparatus to be used for that purpose by the state *Commissioner* [Superintendent] of Fisheries and Game on bills sworn to by the person presenting the same, when certified to by the state *Commissioner* [Superintendent] of Fisheries and Game. (Acts 1917, p. 94 Burns', 1918 S., Sec. 2542i.)

153. Limitations. Sec. 10. Nothing contained in this act shall be deemed as authorizing the taking of fish or the use of illegal nets, or of the setting of nets at a place or places or times or otherwise forbidden by law. (Acts 1917, p. 94, Burns', 1918 S., Sec. 2542j.)

154. Penalties. Sec. 11. Any person, persons, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof for the first offense before any court having jurisdiction, shall be punished by a fine of not more than one hundred dollars (\$100) and costs of prosecution, or by imprisonment in the county jail for a period not exceeding sixty (60) days, or both such fine and imprisonment, in the discretion of the court: Provided, however, That each violation shall be deemed a separate and distinct offense. (Acts 1917, p. 94. Burns', 1918 S., Sec. 2542k.)

155. Number of Fish that May Be Taken. Sec. 3. No person shall catch, kill, or have in his possession more than fifty bluegills, sunfish or crappies or more than twelve bass, in any one day. Where two or more persons are fishing or angling from the same boat, the aggregate number of bass taken, caught, killed, or possessed by the occupants of said boat shall not exceed twenty: Provided, That none of the provisions of this section shall prevent the owner of private ponds from taking fish from said private ponds in any manner or in any number. Whoever shall violate any of the provisions of this section shall, on conviction, be fined not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each fish so taken or possessed, in excess of the number as limited in this section. (Acts 1913, p. 368. Burns', 1914, Sec. 2543.)

156. Obstruction of Streams. Sec. 622. Whoever stretches or places any obstruction other than a dam across any of the streams of the state which prevents the fish from ascending or descending any such stream shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100). (Acts 1905, p. 584. Burns', 1914, Sec. 2544.)

157. Nets Near Ohio River. Sec. 210. Whoever stretches or places any net or other obstruction across any creek emptying into the Ohio river in this state, and within one mile of the mouth of such creek, in order to prevent the ingress of fish into such creek from such river above such obstruction, or their egress from such creek into such river, shall for every day such obstruction is continued be fined not more than twenty dollars (\$20) nor less than five dollars (\$5). (Acts 1881, p. 174. Burns', 1914, Sec. 2545.)

158. Pollution of Streams. Sec. 4. It shall be unlawful for any person, firm or corporation, to cause, suffer, or permit any dye-stuff, acid, coal-tar, oil, logwood, or any refuse matter or substance whatever to be thrown, run or drained into any of the waters of this state in quantities sufficient to injure or destroy the lives of fish which may inhabit the same at or below the point where any such substance is discharged or permitted to flow into such waters. Whoever violates any of the provisions of this section shall, on conviction, be fined not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000) for each offense, and each day's violation of the provisions of this section shall constitute a separate offense: Provided, That the provisions of this section shall not abridge the rights of owners of gas or oil wells to drain the waters from such wells into the waters of the state, as now permitted by law. (Acts 1913, p. 368. Burns', 1914, Sec. 2546.)

159. Poisoning Fish. Sec. 166. Whoever throws or places in any stream, lake or pond, any lime or other deleterious substance with the intent to injure fish or any drug, medicated bait, cocculus indicus or fish berries, with intent thereby to poison or catch fish, shall be fined not more than fifty dollars (\$50) nor less than ten dollars (\$10).¹ (Acts 1881, p. 174. Burns', 1914, Sec. 2547.)

160. Explosives Prohibited. Sec. 624. Whoever uses dynamite or other explosives in any of the waters of this state, except for mining or mechanical purposes, by special permission of the *Commissioner* [Superintendent] of Fisheries and Game, or his chief deputy, shall, on conviction, be fined not less than two hundred and fifty dollars (\$250), nor more than one thousand dollars (\$1,000), to which may be added imprisonment in the county jail not less than thirty days nor more than one year; and for a second or subsequent offense he shall be fined five hundred dollars (\$500) and imprisoned in the state prison not less than one year nor more than three years. (Acts 1905, p. 584. Burns', 1914, Sec. 2548.)

161. Electrocuting Fish and Hand Fishing Prohibited. Sec. 5. Whoever shall take, catch, kill, stun or stupefy any fish in any of the waters of this state by discharging or pass-

¹ Probably in force.

ing an electrical current into or through the waters which constitute the habitat of such fish; or whoever shall take, catch or kill, any fish with the hands unassisted by any mechanical device, or with any gaff hook or grappling hook or similar device held in the hands, shall on conviction be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each fish so unlawfully taken, caught, killed, stunned or stupefied: Provided, That the provisions of this section shall not apply to persons who use a gaff hook or similar device for securing any fish that shall at the time be hooked on any legal hook and line, nor for the taking of carp, garfish, dogfish, or suckers. (Acts 1913, p. 368. Burns', 1914, Sec. 2548a.)

162. Private Fish Ponds. Section 1. That it shall be unlawful for any person other than the owner or persons authorized by him to take, catch or attempt to take, catch or make way with any fish, eels or other property in or about a private fish pond, and any person found guilty of any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than five dollars (\$5) nor more than one hundred dollars (\$100), to which may be added imprisonment in the county jail not less than ten days, nor more than one hundred days. (Acts 1899, p. 26. Burns', 1914, Sec. 2549.)

163. Killing Fish in Private Ponds. Sec. 2. Any person other than the owner or persons authorized by him who shall kill, or destroy, or attempt to kill or destroy any fish, eels, or other property in or about any private fish pond by means of dynamite, or other explosive, compounds or substance, or by the use of Indian cockle, fish berries, or any other poisonous substance shall be deemed guilty of a felony and upon conviction thereof, shall be imprisoned in the state prison for a period of one year. (Acts 1899, p. 26. Burns', 1914, Sec. 2550.)

164. Trespassing. Sec. 625. No person shall enter upon any enclosed land for the purpose of setting a trot line, nor shall any person fish in any private pond, without first obtaining the consent of the owner, lessee or tenant of such premises. Whoever shall violate or attempt to violate the provisions of this section shall, on conviction, be fined not less than five dollars (\$5) nor more than twenty-five dollars

(\$25). (Acts 1905, p. 584, as amended by Acts 1907, p. 86. Burns', 1914, Sec. 2551.)

165. Mink and Muskrat. Section 1. It shall be unlawful for any person to take, trap, hunt, shoot or kill any mink¹ or muskrat, in the State of Indiana, during the months of April, May, June, July, August, September and October, of any year: Provided, That nothing in this act shall prevent any owner or occupant of real estate in this state, or the owner or manager of any levee, dyke, dam or public drain from killing any of said fur-bearing animals when necessary for the protection of their property. (Acts 1911, p. 8. Burns', 1914, Sec. 2551a.)

166. Muskrat House. Sec. 2. It shall be unlawful for any person or persons to injure or destroy any muskrat house at any time except where such muskrat house is an obstruction to public or private ditches or watercourses. (Acts 1911, p. 8. Burns', 1914, Sec. 2551b.)

167. Penalty. Sec. 3. Any person who shall violate any provision of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than two dollars (\$2.00) nor more than five dollars (\$5.00) for each offense. (Acts 1911, p. 8. Burns', 1914, Sec. 2551c.)

168. Fee to Superintendent of Fisheries and Game, Duties. Sec. 9. In all cases of conviction or on pleas of guilty of violating any of the provisions of this act or of any act in relation to or for the protection of fish, game, fur-bearing animals or wild birds, there shall be taxed against each defendant so convicted, in favor of the *Commissioner* [Superintendent] of Fisheries and Game, a fee of five dollars (\$5), as part of the costs. Said fee shall be promptly paid by the officer collecting the same to the *Commissioner* [Superintendent] of Fisheries and Game and shall become a part of the fish and game protective and propagation fund. And the *Commissioner* [Superintendent] of Fisheries and Game and his deputies are hereby authorized and empowered to make arrests for violations of the laws relating to wild birds and fur-bearing animals that are protected by law the same as they are

¹ The words "raccoon, opossum, skunk" were formerly in this act at this place, but were repealed by the Act of 1917, p. 438, Sec. 92 above.

now empowered to enforce the laws for the protection of fish and game. (Acts 1913, p. 368. Burns', 1914, Sec. 2553a.)

169. Powers of Superintendent Not Abridged. Sec. 621½. Nothing contained in this act shall in any way abridge or repeal the powers conferred on the *Commissioner* [Superintendent] of Fisheries and Game by the act creating his office, but all the powers and privileges conferred on him by said act are hereby reaffirmed. (Acts 1905, p. 584. Burns', 1914, Sec. 2553.)

170. Fish Ladders. Section 1. The owner or owners of any dam across any of the rivers, streams or water courses in this state, when such dam is of the height of four feet or over, shall, within six months after the passage of this act, construct and maintain fish ladders on such dam sufficient to allow the fish below such dam to pass over such dam into the waters above the same. Such fish ladders to be constructed in such manner and of such material as shall be directed by the *Commissioner* [Superintendent] of Fisheries of Indiana. (Acts 1885, p. 51. Burns', 1914, Sec. 7442.)

171. Fish Ladders, Owners Failing to Construct, Township Trustee to Erect. Sec. 2. If the owner or owners of any such dam shall fail or refuse to comply with the provisions of the first section of this act, then it shall be the duty of the trustee of the township in which such dam is situated, notwithstanding it may be within some incorporated city or town, to proceed to erect on said dam such ladders as will afford a passage for such migrating fish below over into the waters above such dam, and the cost thereof shall be a debt due from the owner or owners of such dam to said trustee, and shall be a first lien on said dam and water-power, and so much of the real estate on each side of said dam as may be used in connection therewith, belonging to such owners, and necessary to a proper use and enjoyment of such dam and water-power, and if the owner of such dam shall fail or refuse to pay the amount thereof to such trustee, on demand, he shall sue and recover the same, and may also have foreclosure of such lien as in case of foreclosure of mortgages, and the court shall order the sale of such dam, water-power and real estate as other real property is sold on execution, without relief from valuation or appraisement laws; and wherever any dam is now located or may be constructed

across any river, stream or water-course forming the boundary line between two townships, or between two counties, then the trustee of either township in which any part of said dam is situate, in case of such failure, may construct such ladder and have the same remedy against such owner or owners as is above provided where any such dam is situate wholly in one township. (Acts 1885, p. 51. Burns', 1914, Sec. 7443.)

172. Fish Ladders on New Dams. Sec. 3. When any dam shall hereafter be constructed across any river, stream or water-course in this state of the height specified in the first section of this act, the owner or owners shall construct on the same such fish ladders as are above provided for, and the duties of township trustees in relation thereto shall be the same as are in this act above provided, and they shall have the same remedies against the owners thereof on failure to comply with the provisions of this act. (Acts 1885, p. 51. Burns', 1914, Sec. 7444.)

173. Repairs. Sec. 4. When any such fish ladder shall get out of repair, it shall be the duty of such owner or owners to put the same in repair, and if out of repair for thirty days after being notified by such trustee, then the trustee shall make such repairs and recover the cost thereof from such owner or owners in the same manner as above provided in cases of failure to construct such fish ladders. (Acts 1885, p. 51. Burns', 1914, Sec. 7445.)

174. Penalty. Sec. 5. Any person who shall construct any fish trap or other device for catching fish, or shall shoot, spear, gig, or in any manner take or kill any fish on or near any fish ladder constructed on any dam in the State of Indiana, save and except by hook and line, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five dollars (\$25) nor more than seventy-five dollars (\$75), and the township trustee shall, or any other person may, destroy any fish trap or other device for catching fish, found on or near any such fish ladder. (Acts 1885, p. 51. Burns', 1914, Sec. 7446.)

175. Penalty. Section 1. If any owner of any such dam shall violate or attempt to violate the provisions of the first section of the act to which this act is supplemental,¹ he shall be

¹ The act referred to is embraced in Sections 170-174 above.

deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars (\$10) nor more than twenty-five (25) dollars. (Acts 1903, p. 193. Burns', 1914, Sec. 7447.)

176. Duties of Superintendent. Section 2. It shall be the duty of the *Commissioner* [Superintendent] of Fisheries and Game, or his deputy, to prosecute all violations of the provisions of this act, and he is hereby given the authority for such prosecution as he has in the fish and game laws of the state. (Acts 1903, p. 193. Burns', 1914, Sec. 7448.)

177. Repairs. Sec. 3. When any such fish ladder shall get out of repair it shall be the duty of such owner or owners to put the same in repair within thirty days after being notified by the *Commissioner* [Superintendent] of Fisheries and Game, or his deputy. Whosoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten (\$10) dollars nor more than twenty-five (\$25) dollars.¹ (Acts 1903, p. 193. Burns', 1914, Sec. 7449.)

178. Academy of Science. Sec. 2. * * * That in all cases of scientific observation he [the Superintendent] shall require a permit from the Indiana Academy of Science. Said *Commissioner* [Superintendent] * * * shall have power to appoint a deputy or deputies in any county of the state for the purpose of aiding in the enforcement of such laws. * * * (Acts 1899, p. 44. Burns', 1914, Sec. 9360.)

179. Chief Deputies. Sec. 4. The *Commissioner* [Superintendent] of Fisheries and Game is hereby authorized to employ two chief deputies * * *. (Acts 1911, p. 679. Burns', 1914, Sec. 9366d.)

180. Fish Hatching by United States. Section 1. That, in order to promote fish culture and the increase of useful food and game fishes in the lakes and streams of the State of Indiana, full authority is granted to the United States Commissioner of Fisheries and his duly authorized agents to conduct fish hatching and all operations and investigations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery or

¹ See Section 174 above.

game laws of the state to the contrary notwithstanding. (Acts 1913, p. 414. Burns', 1914, Sec. 9366e.)

181. Non-resident Fishing License. Section 1. It shall be unlawful for any person who is a non-resident of the State of Indiana to fish in the waters of this state, without first procuring a license so to do. It shall be the duty of the clerk of the circuit court of any county of this state to issue such license to any non-resident, upon the application of such non-resident person. Such license shall contain a statement of the residence, age, weight, height, color of hair, color of eyes, complexion, and distinctive mark or marks of such licensee, and shall be signed by him in ink. Such license shall contain the signature and seal of the *Commissioner* [Superintendent] of Fisheries and Game, or appointee issuing the same. The *Commissioner* [Superintendent] of Fisheries and Game may issue such licenses provided for in this section, and shall have power to appoint persons to issue such licenses. Said *Commissioner* [Superintendent] of Fisheries and Game shall furnish all necessary blank applications and licenses to the said clerks and appointees, and said *Commissioner* [Superintendent] of Fisheries and Game shall give to each appointee as herein provided a certificate showing said appointee to be authorized to issue such license. Before the issuance of any such license, the applicant shall pay to such clerk, *Commissioner* [Superintendent] or appointee, the sum of one dollar. *Each clerk and appointee shall remit fees collected by virtue of this section and report to the Commissioner of Fisheries and Game, every thirty days, on the first day of each month. The Commissioner of Fisheries and Game shall report and remit same to the Auditor of State, as a part of the fund hereinafter designated "The Fish and Game Protective and Propagation Fund."*¹ Any person securing such license shall have the same in his possession when fishing and shall show the same to the *Commissioner* [Superintendent] of Fisheries and Game or his deputy upon request: Provided, That the provisions of this act shall not apply to children under the age of eighteen years nor to the wife of a man who has procured a license as provided in this section: And, Provided further, That a license to any non-resident person to hunt shall also entitle such non-resident to fish without pro-

¹ Repealed by Conservation Act, Sec. 20.

curing the license as provided in this section, upon his showing same to the *Commissioner* [Superintendent] of Fisheries and Game or his deputy. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars (\$5) nor more than twenty-five dollars (\$25), and every day this section or any of its provisions is violated shall constitute a separate and distinct offense. (Acts 1911, p. 677. Burns', 1914, Sec. 9366a.)

182. Bounty for Wolf and Fox Scalps. Section 1. The commissioners of each county may cause to be paid out of the county treasury a sum not exceeding twenty dollars (\$20.00) to any person who shall exhibit to them a wolf scalp, and a sum not exceeding five dollars (\$5.00) to any person who may exhibit to them a fox scalp: Provided, That such person shall take and subscribe an oath that the wolf or fox, to which such scalp belonged, was killed in the county, and that no reward therefor has been paid him out of such treasury. But no more than three dollars (\$3.00) shall be paid for the killing of any wolf under the age of six months, nor more than one dollar and fifty cents for the killing of any fox under the age of six months. (Acts 1875, p. 178. Burns', 1914, Sec. 6032.)

183. Bounty for Woodchuck, Owl or Hawk. Section 1. That the board of commissioners of each county may cause to be paid out of the county treasury a sum not exceeding two dollars (\$2.00) to any person who shall exhibit to the auditor of the county a woodchuck scalp, or the head of any owl or hawk: Provided, That such person shall take and subscribe an oath that the woodchuck, owl or hawk, to which such scalp or head belonged, was killed in the county, and that no reward therefor has been paid him out of the county treasury: And, provided also, That the provisions of this act shall not apply to sparrow-hawks or screech owls. (Acts 1883, p. 190. Burns', 1914, Sec. 6033.)

184. Crows, Bounty for Killing or for Eggs. Section 1. The county councils and boards of county commissioners of each county in the State of Indiana may appropriate and cause to be paid out of the county treasury a sum not exceeding ten cents to any person who shall deliver to the auditor

of the county the head of any common crow, and the further sum of five cents for each and every crow's egg so exhibited in lots not less than ten: Provided, That such person shall first take and subscribe an oath that the crow to which such head belonged, was killed in the county, and that such eggs so produced were taken from a crow's nest in the county: Provided, That this act shall not apply to hawks or owls. (Acts 1911, p. 332. Burns', 1914, Sec. 6033a.)

185. Search Warrants. Sec. 56. Justices of the peace may issue warrants to search any house or place for gill nets, seines, or for any implement or device used or kept for use, for taking fish unlawfully from any of the lakes or streams of this state. (Acts 1905, p. 584. Burns', 1914, Sec. 1923.)

186. Duty of Township Trustees. Section 1. It shall be the duty of the *road supervisors*¹ [township trustees] to arrest, or cause to be arrested, and to prosecute, or cause to be prosecuted, any or all persons violating any of the provisions of the acts, or any law heretofore or hereafter to be enacted, for the protection of game and fish. And said *road supervisors* [township trustees] shall be allowed a fee of five dollars (\$5), to be taxed as costs against each person convicted of violating any of the provisions of said laws. (Acts 1889, p. 449. Burns', 1914, Sec. 7810.)

187. Penalty. Sec. 2. Any *road supervisor* [township trustee] who shall fail or refuse to discharge the duties of constables as aforesaid, and make or cause to be made said arrests, and prosecute or cause to be prosecuted all cases coming to his knowledge of violation of the game or fish laws of the state, shall, upon conviction, be fined in any sum not less than five (\$5) nor more than twenty-five dollars (\$25). (Acts 1889, p. 449. Burns', 1914, Sec. 7811.)

¹ Acts 1917, page 657: The office of township road supervisor is hereby abolished and the duties now required of such supervisors shall hereafter be performed by the township trustee.

Form of Affidavit for Non-resident Hunting or Fishing Without a License.

The State of Indiana,.....County, ss:

Before me,.....a Justice of the Peace in
and for the County of.....and State of Indiana,
personally came....., who, being by me first
duly sworn, deposes and says: That on or about the.....day of
....., A. D. 19....., in the County and State
aforesaid, one.....did unlawfully, purposely
and wilfully (1).....

.....
he, the said....., not then and there being a
resident of the State of Indiana, and not then and there having obtained
a license to (2) within the State of Indiana, contrary to the statute in
such case made and provided, and against the peace and dignity of the
State of Indiana.

Sworn to before me and subscribed in my presence this.....
day of....., A. D. 19.....

Justice of the Peace.

(1) With gun or dog hunt certain game, describing it, or take or
attempt to take, by fishing, certain fish from certain waters of this State,
naming them.

(2) Hunt or fish.

General Form of Affidavit for Violation of the Fish and Game Laws.

The State of Indiana,.....County, ss:

Before me,.....a Justice of the Peace in
and for the County of.....and State of Indiana,
personally came....., who, being by me first
duly sworn, deposes and says: That on or about the.....day of
....., A. D. 19....., in the County and State
aforesaid, one.....did unlawfully, purposely
and wilfully (1).....

.....
contrary to the statute in such case made and provided, and against the
peace and dignity of the State of Indiana; and further affiant saith not.

Sworn to before me and subscribed in my presence this.....
day of....., A. D. 19.....

Justice of the Peace.

(1) Describe the offense.

PART VI. APPENDIX.

MIGRATORY BIRD TREATY ACT.*

[Approved July 3, 1918. Public, No. 186, 65th Congress—S. 1553.]

AN ACT To give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August sixteenth, nineteen hundred and sixteen, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known by the short title of the "Migratory Bird Treaty Act."

Sec. 2. That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August sixteenth, nineteen hundred and sixteen, or any part, nest, or egg of any such birds.

Sec. 3. That subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest or egg thereof, and to adopt suitable regula-

* To obtain complete Game Laws and Service and Regulatory Announcements write to Bureau of Biological Survey and ask for Farmer's Bulletin 1010 and S. R. A.—B. S. 23.

tions permitting and governing the same, in accordance with such determination, which regulations shall become effective when approved by the President.

Sec. 4. That it shall be unlawful to ship, transport, or carry, by any means whatever, from one state, territory, or district to or through another state, territory, or district, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the state, territory, or district in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.

Sec. 5. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall have power, without warrant, to arrest any person committing a violation of this act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and upon conviction of the offender, or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

Sec. 6. That any person, association, partnership, or corporation who shall violate any of the provisions of said convention or of this act, or who shall violate or fail to comply with any regulation made pursuant to this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

Sec. 7. That nothing in this act shall be construed to prevent the several states and territories from making or enforcing laws or regulations not inconsistent with the provisions of said convention or of this act, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend the open season for such birds beyond the dates approved by the President in accordance with section three of this act.

Sec. 8. That until the adoption and approval, pursuant to section three of this act, of regulations dealing with migratory birds and their nests and eggs, such migratory birds and their nests and eggs as are intended and used exclusively for scientific or propagating purposes may be taken, captured, killed, possessed, sold, purchased, shipped, and transported for such scientific or propagating purposes if and to the extent not in conflict with the laws of the state, territory, or district in which they are taken, captured, killed, possessed, sold, or purchased, or in or from which they are shipped or transported if the packages containing the dead bodies or the nests or eggs of such birds when shipped and transported shall be marked on the outside thereof so as accurately and clearly to show the name and address of the shipper and the contents of the package.

Sec. 9. That the unexpended balances of any sums appropriated by the agricultural appropriation acts for the fiscal years nineteen hundred and seventeen and nineteen hundred and eighteen, for enforcing the provisions of the act approved March fourth, nineteen hundred and thirteen, relating to the protection of migratory game and insectivorous birds, are hereby reappropriated and made available until expended for the expenses of carrying into effect the provisions of this act and regulations made pursuant thereto, including the payment of such rent, and the employment of such per-

sons and means, as the Secretary of Agriculture may deem necessary, in the District of Columbia and elsewhere, co-operation with local authorities in the protection of migratory birds, and necessary investigations connected therewith: *Provided*, That no person who is subject to the draft for service in the Army and Navy shall be exempted or excused from such service by reason of his employment under this act.

Sec. 10. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Sec. 11. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 12. Nothing in this act shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulation for the purpose of increasing the food supply.

Sec. 13. That this act shall become effective immediately upon its passage and approval.

REGULATIONS, MIGRATORY BIRD TREATY ACT.

(In so far as they pertain to the State of Indiana.)

REGULATION 1.—DEFINITIONS OF MIGRATORY BIRDS.

Migratory birds, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, are as follows:

1. *Migratory game birds:*

(a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.

(c) Rallidae, or rails, including antes, gallinules, and sora and other rails.

(d) Limicolae, or shorebirds, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes,

plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidae, or pigeons, including doves and wild pigeons.

2. *Migratory insectivorous birds*: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, hummingbirds, kinglets, martins, meadowlarks, nighthawks or bullbats, nuthatches, orioles, robins, shrikes, swallow, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whip-poor-wills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. *Other migratory nongame birds*: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters and terns.

REGULATION 2.—DEFINITIONS OF TERMS.

For the purposes of these regulations the following terms shall be construed, respectively, to mean—

Secretary.—The Secretary of Agriculture of the United States.

Person.—The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

Take.—The pursuit, hunting, capture, or killing of migratory birds in the manner and by the means specifically permitted.

Open Season.—The time during which migratory birds may be taken.

Transport.—Shipping, transporting, carrying, exporting, receiving or delivering for shipment, transportation, carriage, or export.

REGULATION 3.—MEANS BY WHICH MIGRATORY GAME BIRDS MAY BE TAKEN.

The migratory game birds specified in Regulation 4 hereof may be taken during the open season with a gun only, not larger than number 10 gauge, fired from the shoulder, except as specifically permitted by Regulations 7, 8, 9, and 10 hereof; they may be taken during the open season from the land and water, from a blind or floating device (other than an airplane, powerboat, sailboat, or any boat under sail), with the aid of a dog, and the use of decoys.

REGULATION 4.—OPEN SEASONS ON AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS.

For the purpose of this regulation, each period of time herein prescribed as an open season shall be construed to include the first and last days thereof.

Waterfowl (except wood duck, eider ducks, and swans), rails, coot, gallinules, black-bellied and golden plovers, greater and lesser yellowlegs, woodcock, Wilson snipe or jacksnipe, and mourning and white-winged doves may be taken each day from half an hour before sunrise to sunset during the open seasons prescribed therefor in this regulation, by the means and in the numbers permitted by Regulations 3 and 5 hereof, respectively, and when so taken, each species may be possessed any day during the respective open seasons herein prescribed therefor and for an additional period of 10 days next succeeding said open season.

Waterfowl (except wood duck, eider ducks, and swans), coot, gallinules, and Wilson snipe or jacksnipe.—The open seasons for waterfowl (except wood duck, eider ducks, and swans), coot, gallinules, and Wilson snipe or jacksnipe shall be as follows:

In Indiana, the open season shall be from September 16 to December 31.

Rails (except coot and gallinules.)—The open season for sora and other rails (except coot and gallinules) shall be from September 1 to November 30.

Black-bellied and golden plovers and greater and lesser yellowlegs.—The open seasons for black-bellied and golden plovers and greater and lesser yellowlegs shall be as follows:

In Indiana, the open season shall be from September 16 to December 31.

Woodcock.—The open seasons for woodcock shall be as follows:

In Indiana, the open season shall be from October 1 to November 30.

REGULATION 5.—BAG LIMITS ON CERTAIN MIGRATORY GAME BIRDS.

A person may take in any one day during the open seasons prescribed therefor in Regulation 4 not to exceed the following numbers of migratory game birds:

Ducks (except wood duck and eider ducks.)—Twenty-five in the aggregate of all kinds.

Geese.—Eight in the aggregate of all kinds.

Brant.—Eight.

Rails, coot, and gallinules.—Twenty-five in the aggregate of all kinds.

Black-bellied and golden plovers and greater and lesser yellowlegs.—Fifteen in the aggregate of all kinds.

Wilson snipe, or jacksnipe.—Twenty-five.

Woodcock.—Six.

REGULATION 6.—SHIPMENT AND TRANSPORTATION OF CERTAIN MIGRATORY GAME BIRDS.

Waterfowl (except wood duck, eider ducks, and swans), rails, coot, gallinules, black-bellied and golden plovers, greater and lesser yellowlegs, woodcock, Wilson snipe or jacksnipe, and mourning and white-winged doves and parts thereof legally taken may be transported in or out of the state where taken during the respective open seasons in that state, and may be imported from Canada during the open season in the province where taken, in any manner, but not more by one person in one calendar week than the number that may be taken under these regulations in two days by one person; any such migratory game birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed five days, necessary to deliver the same to their destination; and any package in which migratory game birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof; but no such birds shall be transported from any state, territory, or district to or through another state, territory, or district, or to or through a province of the Dominion of Canada contrary to the laws of the state, territory, or district, or province of the Dominion of Canada in which they were taken or from which they are transported; nor shall any such birds be transported into any state, territory, or district from another state, territory, or district, or from any state, territory, or district into any province of the Dominion of Canada at a

time when such state, territory, or district, or province of the Dominion of Canada prohibits the possession or transportation thereof.

REGULATION 7.—TAKING OF CERTAIN MIGRATORY NONGAME BIRDS BY ESKIMOS AND INDIANS IN ALASKA.

In Alaska Eskimos and Indians may take for the use of themselves and their immediate families, in any manner and at any time, and possess and transport auks, auklets, guillemots, murrees, and puffins and their eggs for food, and their skins for clothing.

REGULATION 8.—PERMITS TO PROPAGATE AND SELL MIGRATORY WATERFOWL.

1. A person may take in any manner and at any time migratory waterfowl and their eggs for propagating purposes when authorized by a permit issued by the Secretary.¹ Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the secretary¹ in accordance with the provisions of this regulation.

2. A person authorized by a permit issued by the secretary¹ may possess, buy, sell, and transport migratory waterfowl and their increase and eggs in any manner and at any time for propagating purposes; and migratory waterfowl, except the birds taken under paragraph 1 of this regulation, so possessed may be killed by him in any manner except by shooting, and the unplucked carcasses and the plucked carcasses with heads attached thereto of the birds so killed may be sold and transported by him in any manner and at any time to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, retail dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit.

3. Any package in which such waterfowl or parts thereof or their eggs are transported shall have plainly and conspicuously marked on the outside thereof the name and address

¹ In Indiana, a further permit must be obtained from the director of the Department of Conservation at Indianapolis, Indiana.

of the permittee, the number of his permit, the name and address of the consignee, and an accurate statement of the number and kinds of birds or eggs contained therein.

4. Applications for permits must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: Name and address of applicant; place where the business is to be carried on; number of acres of land used in the business and whether owned or leased by the applicant; number of each species of waterfowl in possession of applicant; names of species and number of birds or eggs of each species if permission is asked to take waterfowl or their eggs; and the particular locality where it is desired to take such waterfowl or eggs.¹

5. A person granted a permit under this regulation shall keep books and records which shall correctly set forth the total number of each species of waterfowl and their eggs possessed on the date of application for the permit and on the first day of January next following; also for the calendar year for which permit was issued the total number of each species reared and killed, number of each species and their eggs sold and transported, manner in which such waterfowl and eggs were transported, name and address of each person from or to whom waterfowl and eggs were purchased or sold, together with number and species and whether sold alive or dead; and the date of each transaction. A written report correctly setting forth this information shall be furnished the secretary, during the month of January next following the issuance of the permit.²

6. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records of such permittee relating thereto.

7. Permits issued under this regulation shall be valid only during the calendar year of issue, shall not be transferable, and may be revoked by the secretary,³ if the permittee violates any of the provisions of the Migratory Bird Treaty Act or of the regulations thereunder.

¹ An application containing the same information must be addressed to the director of the Department of Conservation at Indianapolis, Indiana.

² And a duplicate of the report to the director of the Department of Conservation at Indianapolis, Indiana.

³ Or by the director of the Department of Conservation, as the case may be.

8. A person engaged in the propagation of migratory waterfowl on the date on which these regulations become effective will be allowed until September 30, 1918, to apply for the permit required by this regulation, but he shall not take any migratory waterfowl without a permit.

REGULATION 9.—PERMITS TO COLLECT MIGRATORY BIRDS FOR SCIENTIFIC PURPOSES.

A person may take in any manner and at any time migratory birds and their nests and eggs for scientific purposes when authorized by a permit issued by the secretary,¹ which permit shall be carried on his person when he is collecting specimens thereunder and shall be exhibited to any person requesting to see the same.

Application for a permit must be addressed to the Secretary of Agriculture, Washington, D. C.¹ and must contain the following information: Name and address of applicant and name of state, territory, or district in which specimens are proposed to be taken and the purpose for which they are intended. Each application shall be accompanied by certificates from two well-known ornithologists that the applicant is a fit person to be entrusted with a permit.

The permit will authorize the holder thereof to possess, buy, sell, and transport in any manner and at any time migratory birds, parts thereof, and their nests and eggs for scientific purposes. Public museums, zoological parks and societies, and public scientific and educational institutions may possess, buy, sell, and transport in any manner and at any time migratory birds and parts thereof, and their nests and eggs for scientific purposes without a permit, but no specimens shall be taken without a permit.

Permits shall be valid only during the calendar year of issue, shall not be transferable, and shall be revocable in the discretion of the secretary.¹ A person holding a permit shall report to the secretary¹ on or before January 10 following its expiration the number of skins, nests, or eggs of each species collected, bought, sold, or transported.

Every package in which migratory birds or their nests or eggs are transported shall have clearly and conspicuously marked on the outside thereof the name and address of the

¹ And the director of the Department of Conservation at Indianapolis, Indiana.

sender, the number of the permit in every case when a permit is required, the name and address of the consignee, a statement that it contains specimens of birds, their nests, or eggs for scientific purposes, and, whenever such a package is transported or offered for transportation from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, an accurate statement of the contents.

REGULATION 10.—PERMITS TO KILL MIGRATORY BIRDS INJURIOUS TO PROPERTY.

When information is furnished the secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

(1) BIRDS—OPEN SEASON; DAY'S BAG LIMIT

(Where the laws conflict, the Federal law prevails)

Actual Open Season in Black-faced Tyr.

Species	Open Season		Bag Limits	
	State Law	Federal Law*	State Law	Federal Law
Black-bellied Plover		Sept. 16-Dec. 31. (Half hour before sunrise to sunset).		15
Brant	Sept. 1-Apr. 15 (Sunrise to Sunset).	Sept. 16-Dec. 31. (Half hour before sunrise to sunset).	15 and not to exceed 45 for 3 or more successive days.	8
Coot		Sept. 16-Dec. 31. (Half hour before sunrise to sunset).		25
Ducks†	Sept. 1-Apr. 15 (Sunrise to Sunset).	Sept. 16-Dec. 31. (Half hour before sunrise to sunset).	15 and not to exceed 45 for 3 or more successive days.	25
Gallinules		Sept. 16-Dec. 31. (Half hour before sunrise to sunset).		25
Geese	Sept. 1-Apr. 15	Sept. 16-Dec. 31. (Half hour before sunrise to sunset).	15 and not to exceed 45 for 3 or more successive days.	8
Golden Plover		Sept. 16-Dec. 31. (Half hour before sunrise to sunset).		15
Greater Yellowlegs		Sept. 16-Dec. 31. (Half hour before sunrise to sunset).		15
Jack Snipe		Sept. 16-Dec. 31. (Half hour before sunrise to sunset).		25
Lesser Yellowlegs		Sept. 16-Dec. 31. (Half hour before sunrise to sunset).		15
Prairie Chicken	Oct. 15-Nov. 1		5	
Quail	Nov. 10-Dec. 20		15 and not to exceed 45 for 3 or more successive days.	
Rails		Sept. 1-Nov. 30. (Half hour before sunrise to sunset).		25
Ruffed Grouse	Nov. 10-Dec. 20		None	
Wilson Snipe		Sept. 16-Dec. 31. (Half hour before sunrise to sunset).		25
Woodcock	July 1-Jan. 1	Oct. 1-Nov. 30. (Half hour before sunrise to sunset).	None	6

*In all cases includes first and last days given.

†Does not include wood duck or eider duck.

(2) BIRDS—PERENNIAL CLOSED SEASON

(State or Federal Law or both)

Auks	Hummingbirds	Shrikes
Auklets	Hungarian Partridge	Silver Pheasants
Avocets	Hungarian Pheasants	Snipes
Bitterns	Jaegers	Stilts
Bobolinks	Kinglets	Surf Birds
Bullbats	Knots	Swallows
Catbirds	Little Brown Cranes	Swans
Chickadees	Loons	Swifts
Copper Pheasants	Martins	Tanagers
Cranes	Meadowlarks	Terns
Cuckoos	Mourning Doves	Thrushes
Curlews	Murres	Titmice
Doves	Night Hawks	Tragopan Pheasants
Dowitchers	Nuthatches	Turkeys
Eider Ducks	Orioles	Turnstones
Flickers	Oyster Catchers	Vireos
Flycatchers	Partridges	Warblers
Fulmars	Petrels	Warwings
Gannets	Phalaropes	Whip-poor-wills
Godwits	Pheasants	White Winged Doves
Golden Pheasants	Pigeons	Whooping Cranes
Grebes	Puffins	Willetts
Green Japanese Pheasants	Ring-Neck Mongolian	Wood Ducks
Grosbeaks	Pheasants	Woodpeckers
Guillemots	Robins	Wrens
Gulls	Sandhill Cranes	
Hérons	Sandpipers	All other Insectivorous Perching
Homing Pigeons	Shearwaters	Birds

(3) BIRDS—PERENNIAL OPEN SEASON

Birds of Prey	Crows	Hawks
Black Birds	English Sparrows	

(4) GAME—OPEN SEASON

Species	Open Season
Any kind of game, except Rabbits	April 1-December 20.
Beaver*	November 20-February 2.
Fox*	November 20-February 2.
Mink†	November 1-April 1.
Muskrat†	November 1-April 1.
Opossum*	November 20-February 2.
Otter*	November 20-February 2.
Rabbits	December 20-January 10.
Raccoon*	November 20-February 2.
Skunk*	November 20-February 2.
Squirrels	August 1-December 1.

*Any person may kill beaver, raccoon, fox, otter, opossum and skunk during the closed season, on his own premises, when found injuring or destroying property, and may have them in his possession for breeding purposes.

†Any owner or tenant may kill mink and muskrats during the closed season when found injuring any levee, dike, dam or public drain.

(5) FISH—NUMBER AND LENGTH LIMIT

Species	Number Limited Which May Be Taken in One Day	Species.	Minimum Length Which May Be Taken
Bass.....	12; 20 for total occupants of boat....	Black Bass.....	10 inches
Bluegills.....	50.....	Crappie.....	6 inches
Crappies.....	50.....	Pickrel.....	12 inches
Sunfish.....	50.....	Pike-Perch.....	12 inches
Trout*.....	20.....	Rock Bass.....	6 inches
.....	Trout*.....	7 inches
.....	Wall-Eyed Pike..	12 inches

*The open season for trout is from April 1 to September 1.

(6) BOUNTIES ON PREDATORY ANIMALS

The following schedule of bounties on predatory animals may be paid by the several counties of the state in the discretion of the Board of Commissioners.

Species	Maximum Amount
Crow*.....	\$.10
Crows' Eggs.....	.05
Fox (Adult).....	5.00
Fox (under 6 months).....	1.50
Hawk†.....	2.00
Owl†.....	2.00
Wolf (Adult).....	20.00
Wolf (under 6 months).....	3.00
Woodchuck.....	2.00

*Does not include hawks or owls.

*When exhibited in lots of not less than ten.

†Except sparrow hawks and screech owls.

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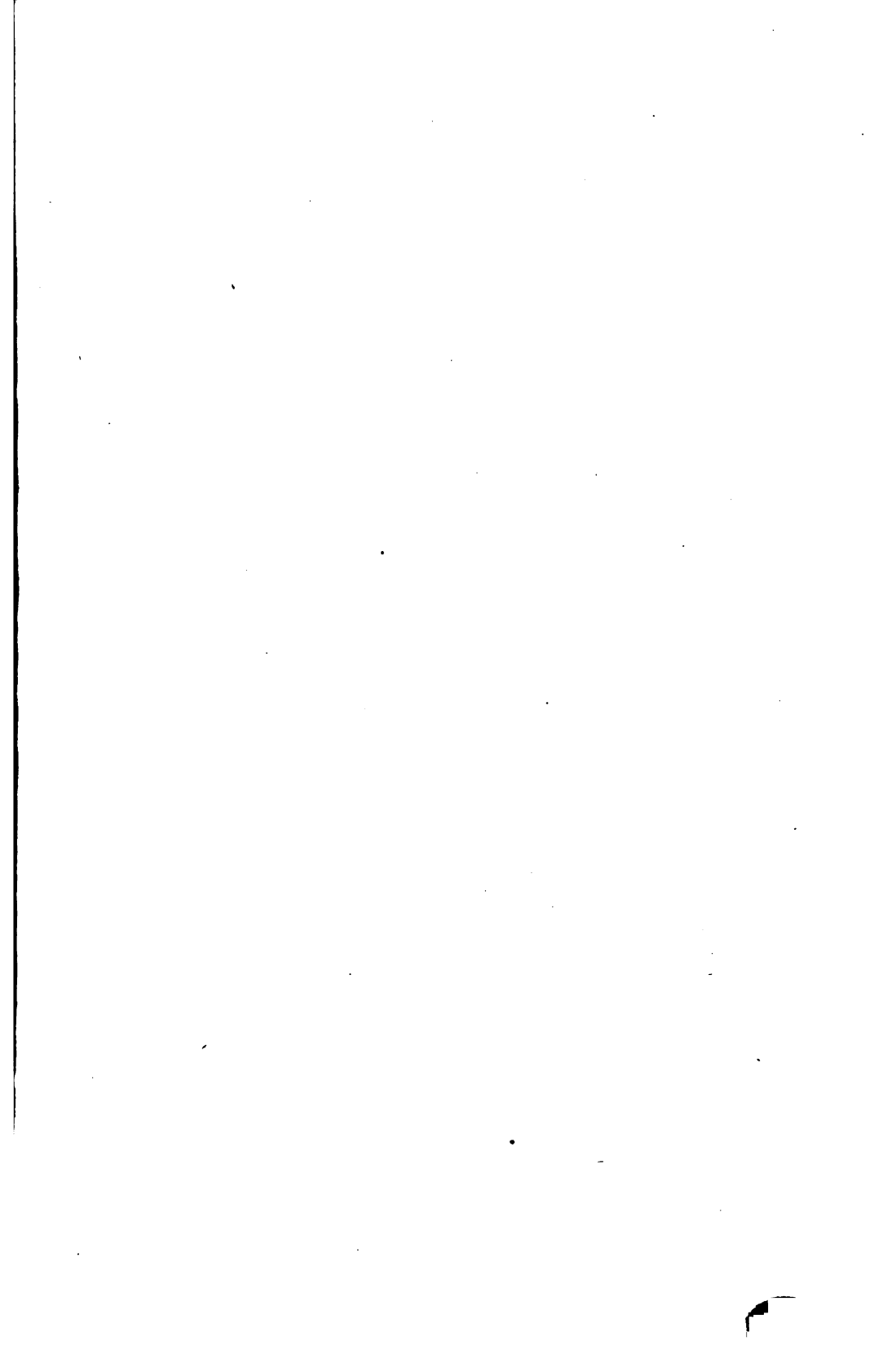
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